



March 22, 2021

U.S. Immigration and Customs Enforcement
Freedom of Information Act Office
500 12th Street, S.W., Stop 5009
Washington, D.C. 20536-5009

ICE-FOIA@dhs.gov

RE: Freedom of Information Act Request

Dear FOIA Officer:

I am retained by Contreras & Metelska, PA (“the Organization”) and submit this FOIA records request on behalf of the Organization. The Organization is the Requesting Party, but *all responses should be addressed to me as their attorney*. All necessary privacy and record releases are enclosed. I believe that all parts of this request can be handled by ICE without any need to refer the request to other agencies. I am the requestor on behalf of the Organization. My information is as follows:

Contreras & Metelska, PA
ATTN: Nico Ratkowski
200 University Avenue W., STE 200
Saint Paul, MN 55103
(651) 771-0019
nico@contrerasmetelska.com

By my signature, I consent to pay all costs incurred from search, duplication, and review of documents up to \$25. Please notify me immediately, if any costs greater than that will be accrued. **Additionally, though I consent to pay up to \$25, the Organization requests that ICE grant it a full fee waiver for the reasons mentioned below.**

Nico Ratkowski

Nico Ratkowski
Attorney at Law

March 22, 2021

Date

I. Description of Records Requested

The following records are requested. All records related to each inquiry should be produced without exception pursuant to 5 U.S.C. § 552. None of the requested documents fall under any exemption to release. *Infra*.

With regard to these records, the Organization respectfully asserts that none of the requested records should implicate the disclosure of inter-agency or intra-agency memorandums or letters that would be unavailable, by law, to a party other than an agency in litigation with the agency. The records requested are not related to the agency's internal personnel rules and practices and they have not been compiled for law enforcement purposes. The requested records have nothing to do with national defense or foreign policy. The requested records are not specifically exempted from disclosure by any statute. The requested records do not relate to trade secrets or commercial or financial information obtained from any person that are privileged or confidential. The requested records do not include any personnel or medical files or similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. Quite simply, none of the requested documents fall under any of the exceptions applicable to FOIA requests. *See generally* 5 U.S.C. § 552(b).

This request specifically seeks disclosure of all emails sent by ICE employee, James S. Jr. Stolley (a/k/a “Jim Stolley” or “Mr. Stolley”) that: (1) were sent between January 1, 2016 and the date on which this request is fulfilled, and (2) include one or more of the specified search terms below.

This request also seeks the full email chains (through the lens of Mr. Stolley's email address only) that followed any email responsive to the prior paragraph.

Alongside this request, the Organization is providing privacy releases for the attorneys it employs in order to ensure that any responsive data that refers to those attorneys is not redacted prior to disclosure. It is important that, to the extent privacy releases are provided for specific attorneys, all responsive data that mentions or refers to those attorneys is disclosed in full.

The requested information is not contained in the U.S. Code, the Code of Federal Regulations, and counsel has been unable to find the requested information anywhere else on the internet despite a thorough search.

II. The Requested Records

The records requested are as follows:

1. This request principally seeks information related to ICE's Chief Counsel at the Office of the Principal Legal Advisor (“OPLA”) located at ICE's Minneapolis-St. Paul Field Office (1 Federal Drive, Suite 1800, Fort Snelling, MN 55111). ICE's Chief Counsel at the Minneapolis-St. Paul OPLA Field Office, at all relevant times, was James S. Jr. Stolley (a/k/a “Jim Stolley” or “Mr. Stolley”). All responsive records should be easily obtainable from Mr. Stolley's computer

equipment or government storage sites that store digital data transmitted or received by Mr. Stolley.

2. This request specifically seeks disclosure of all emails sent by Mr. Stolley (from his government email address of jim.s.stolley@ice.dhs.gov) between January 1, 2016 and the date of this request's fulfillment and which include one or more of the "specified search terms" in ¶ 3 in any portion of the email (including the body, header, title, to, from, cc, or bcc areas). This request specifically seeks undeleted emails, deleted emails, and archived emails.
3. In the preceding paragraph, the term "specified search terms" was used; "specified search terms" means one (or more) of the following:**
 - a. Gloria Contreras
 - b. Gloria Contreras Edin
 - c. Contreras
 - d. Contreras'
 - e. Metelska's
 - f. Contreras and Metelska
 - g. Contreras & Metelska
 - h. C&M
 - i. Contreras Metelska
 - j. Gloria's firm
 - k. Gloria's office
 - l. Gloria's
 - m. gloria@contrerasedinlaw.com
 - n. gloria@contrerasmetelska.com
 - o. Contreras Edin & Associates
 - p. Contreras Edin and Associates
 - q. Contreras Edin law
 - r. Latina
 - s. Latin
 - t. Latino
 - u. Hispanic

** Please note that no attention should be paid to capitalization. This request seeks any version of these terms regardless of whether one or more letters are capitalized.

v. Magdalena Metelska
w. Magdalena
x. Metelska
y. Magda
z. magdalena@contrerasedinlaw.com
aa. magdalena@contrerasmetelska.com
bb. Polish
cc. Nicholas Ratkowski
dd. Nico Ratkowski
ee. Nico
ff. Ratkowski
gg. nico@contrerasedinlaw.com
hh. nico@contrerasmetelska.com
ii. Anu Jaswal
jj. Anu
kk. Jaswal
ll. anu@contrerasedinlaw.com
mm. anu@contrerasmetelska.com
nn. Mary Shaw
oo. Mary
pp. Shaw
qq. mary@contrerasmetelska.com
rr. Alexandra Gandara Kraemer
ss. Alexandra
tt. Gandara Kraemer
uu. Gandara
vv. Kraemer
ww. Ali Gandara Kraemer
xx. Ali Gandara
yy. Ali Kraemer
zz. ali@contrerasmetelska.com

aaa. 200 University Ave. W
bbb. 200 University Avenue W
ccc. 200 University Ave W
ddd. 546 Rice Street
eee. 546 Rice St.
fff. 546 Rice St
ggg. (651) 771-0019
hhh. 651-771-0019
iii. 6517710019
jjj. 651.771.0019
kkk. 651 771 0019

4. This request also seeks the full email chains (only those portions on which Mr. Stolley, through his email, is attached) of any email(s) responsive to ¶ 2.
5. This request also seeks the full email chains (only those portions on which Mr. Stolley, through his email, is attached) of any emails sent or received between January 1, 2016 and the date on which this request is fulfilled that were: (1) *sent to* Mr. Stolley by any of the following email addresses, and (2) never directly responded to by Mr. Stolley:

- a. gloria@contrerasedinlaw.com
- b. gloria@contrerasmetelska.com
- c. magdalena@contrerasedinlaw.com
- d. magdalena@contrerasmetelska.com
- e. nico@contrerasedinlaw.com
- f. nico@contrerasmetelska.com
- g. anu@contrerasedinlaw.com
- h. anu@contrerasmetelska.com
- i. mary@contrerasmetelska.com
- j. ali@contrerasmetelska.com

III. This Is Not A Commercial Use Request

6 C.F.R. § 5.11(b)(1) defines a commercial use request as “a request that asks for information for a use or a purpose that furthers a commercial, trade, or profit interest, which can include furthering those interests through litigation.” The commercial use request designation is “made on a case-by-case basis based on the requester’s intended use of the information.” *Id.*

The Organization acknowledges that it is specifically requesting information about itself and the attorneys it currently employs, and understands how ICE may believe that this, without further explanation, might indicate that this request is a commercial use request. However, the Organization respectfully submits that this is not a commercial use request for the following reasons:

1. The Organization does not intend to use any of the information requested to further a commercial, trade, or profit interest.
2. The Organization seeks the information requested because the Organization has a credible reason to believe that it, and its clients, are being discriminated against in a systemic and unconstitutional manner by Mr. Stolley. *See, e.g.*, Exhibit, pp. 7-68 (consisting of various affidavits and email chains that evidence Mr. Stolley is discriminating against myriad attorneys and their clients in a systemic and unconstitutional manner).
3. The Organization needs to know if its clients are being prejudiced by Mr. Stolley's well-known practice of blacklisting certain attorneys and law firms.
4. Mr. Stolley, as the head prosecutor of the local ICE office, holds a position of public trust and his actions affect attorneys and their clients spanning over 5 states (or 1/10 of the United States), including Iowa, Minnesota, Nebraska, North Dakota, and South Dakota.
5. The Organization, through the attorneys it employs, has actual knowledge that Mr. Stolley has blacklisted other attorneys and law firms, outside of the Organization and its attorneys, which indicates that Mr. Stolley is likely engaging in a widespread practice of blacklisting attorneys in multiple states. *See id.*
6. The only reason the Organization is not requesting data on other attorneys or law firms is because the Organization understands that other attorneys and law firms have a privacy interest in their own versions of the data requested by the Organization, and the Organization does not have the time or capacity to request privacy releases from every potentially affected attorney or law firm. As such, the fact that this request is confined to the Organization and the attorneys it employs should not bear on the calculation as to whether this request constitutes a commercial use request.
7. The Organization's ability to communicate effectively with Mr. Stolley and his office directly affects the legal rights and obligations of thousands of noncitizens who are currently in removal proceedings. This is especially true when ICE is granting various forms of prosecutorial discretion (*e.g.*, deferred action, consenting to administrative closure, joining rather than opposing a motion to terminate, etc.). Prior to the Trump administration, ICE regularly granted deferred action to certain people in removal proceedings. Although this practice largely stopped during the Trump administration, the Biden administration's recent promulgation of a new

priority memo signals that it is likely that ICE will begin granting deferred action again in the near future. Because Mr. Stolley is actively refusing to communicate with the Organization and its attorneys, it follows that the clients of the Organization are completely barred from obtaining any form of prosecutorial discretion from ICE for no other reason than Mr. Stolley's personal animus towards the Organization and its attorneys. This course of conduct by Mr. Stolley detrimentally affects the constitutional and statutory rights of the Organization's numerous clients.

8. Though it is conceivable that ICE may believe that because Mr. Stolley's conduct affects the Organization's clients, it follows that the Organization must be seeking the requested information in order to further its commercial, trade, or profit interest in acquiring and keeping clients. However, this assumption is mistaken. The Organization does not advertise to its clients that Mr. Stolley has blacklisted the Organization, and doing so would actually hurt the Organization's commercial, trade, or profit interests because clients who required any sort of deferred action would likely seek different counsel. Similarly, it is highly unlikely that the Organization will gain clientele by announcing publicly that Mr. Stolley and, through him, ICE have been discriminating against the Organization as this announcement is likely to make potential future clients think that Mr. Stolley will continue discriminating against the Organization. To the extent that ICE may think that the Organization has a commercial, trade, or profit interest that will be intentionally furthered by obtaining the requested documents under the assumption that the Organization will use the documents to obtain relief for their clients, the Organization submits that any interest of the Organization's that principally relates to remediating the ongoing constitutional and statutory violations committed by ICE and Mr. Stolley (*i.e.*, depriving noncitizens represented by the Organization of due process of law or equal protection of law based on Mr. Stolley's personal whims) is not itself capable of rendering this request commercial in nature.
9. Notably, the Organization's clients have no ability to request the documents now requested by the Organization because the Organization's clients are not able to obtain adequate privacy release forms from the Organization or its attorneys. As such, the only way the Organization's affected clients can possibly hope to remediate the constitutional and statutory violations inflicted upon them by Mr. Stolley is through the Organization obtaining the documents now requested and combing through those documents to determine which, if any, of their clients have been harmed. Moreover, to prevent the Organization's future clients from being discriminated against in future requests for prosecutorial discretion, it is necessary to ensure that the public is well aware of Mr. Stolley's past unlawful behavior and his penchant for abusing his prosecutorial position by discriminating against attorneys and law firms on the basis of nothing

more than Mr. Stolley's personal animus towards certain attorneys and law firms.

10. Mr. Stolley has previously been sued in federal court by ICE employees that he supervised for: (1) Retaliation Discrimination in Violation of Title VII and the ADEA, (2) Age Discrimination in Violation of the ADEA, and (3) Sex Discrimination in Violation of Title VII. *See* Complaint, *Vroom v. Johnson*, No. 2:14-cv-02463 (DKD) (D. Ariz. Nov. 6, 2014) (mentioning Mr. Stolley by name 143 times); *e.g.*, Exhibit, pp. 90-156 (copy of the complaint). Following this lawsuit, Mr. Stolley was exiled (and potentially demoted), dishonorably, from Arizona and sent to Minnesota. This past conduct, combined with the current allegations and supporting proof (submitted alongside this FOIA request), conclusively shows that Mr. Stolley is likely abusing his office to the detriment of a huge number of noncitizens in removal proceedings. The Organization is principally interested in exposing Mr. Stolley's behavior, and the Organization is merely requesting data about itself and its attorneys because that is the most likely way to obtain responsive records that can then be used to launch further investigations by other attorneys, law firms, news agencies, and government agencies (*e.g.*, the DHS OIG, etc.).
11. If documents that are responsive to the Organization's request demonstrate that Mr. Stolley has engaged in conduct that merits public censure, suspending his law license, or permanently disbarring him from the practice of law, the Organization will use those documents to support a complaint, filed on behalf of the public and all attorneys and noncitizens who are subject to Mr. Stolley's whims, that will be filed with the Boards of Professional Responsibility in the jurisdictions that have control over Mr. Stolley's license to practice law (*e.g.*, California and, currently, Minnesota). Similarly, the Organization may also file similar complaints with other government oversight agencies such as the Department of Homeland Security's Office of Inspector General. By filing these sorts of complaints, the Organization will use the requested information to safeguard public trust in government agencies such as ICE by removing a cancer from the body of the organization and will concomitantly protect the interests of noncitizens in removal proceedings over the five-state region that falls under Mr. Stolley's command.

The Organization could spend hours listing additional reasons why Mr. Stolley's behavior needs to be made public, and could discuss further how this imperative proves that the request is noncommercial, but the Organization believes any further exposition on these topics is unnecessary in light of the strong showing made above. Should ICE disagree, the Organization respectfully requests that ICE provide the Organization with any reasons it believes the Organization's request constitutes a commercial use request notwithstanding the foregoing so that the Organization may have an opportunity to rebut any unfounded beliefs and to assuage any uncertainties.

Thus, the Organization submits that this is not a commercial use request. The Organization's purpose in requesting these documents is to expose unlawful and unconstitutional discrimination by a government actor in a position of power. The Organization seeks to ensure that its clients, and all other clients of attorneys and law firms who are being treated similarly to the Organization, are being treated fairly on the merits of their applications and specific facts rather than being treated unfairly on the basis of Mr. Stolley's dictatorial whims.

IV. A Fee Waiver Is Requested

6 C.F.R. § 5.11(k)(1) provides that:

(1) Records responsive to a request **shall** be furnished without charge or at a reduced rate below that established under paragraph (c) of this section, where a component determines, on a case-by-case basis, based on all available information, that the requester has demonstrated that:

(i) Disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government; and

(ii) Disclosure of the information is not primarily in the commercial interest of the requester.

6 C.F.R. § 5.11(k)(1) (emphasis added).

A. Disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government

In deciding whether disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of operations or activities of the government, components will consider the following factors:

(i) The subject of the request must concern identifiable operations or activities of the federal government, with a connection that is direct and clear, not remote or attenuated.

(ii) Disclosure of the requested records must be meaningfully informative about government operations or activities in order to be "likely to contribute" to an increased public understanding of those operations or activities. The disclosure of information that already is in the public domain, in either the same or a substantially identical form, would not contribute to such understanding where nothing new would be added to the public's understanding.

(iii) The disclosure must contribute to the understanding of a reasonably broad audience of persons interested in the subject, as opposed to the individual understanding of the requester. A requester's expertise in the subject area as well as his or her ability and intention to effectively convey information to the public shall be

considered. It shall be presumed that a representative of the news media will satisfy this consideration.

(iv) The public's understanding of the subject in question must be enhanced by the disclosure to a significant extent. However, components shall not make value judgments about whether the information at issue is "important" enough to be made public.

6 C.F.R. § 5.11(k)(2).

The Organization submits that disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of operations or activities of the government for the reasons that follow.

First, the Organization's request concerns identifiable operations or activities of the federal government with a connection that is direct and clear. The Organization's request relates specifically to the conduct of Mr. Stolley, the head prosecutor for ICE for a geographic location spanning 5 states, or 1/10th of the Union. The request specifically seeks emails sent *from* Mr. Stolley, thereby ensuring that his own words and actions will be the barometer by which he is judged in the court of public opinion. The other emails requested (*i.e.*, email chains that flow from Mr. Stolley's emails) are necessary to provide adequate context, and these supplementary emails have been expressly limited by only requesting the portions of the email chains actually *sent or received by Mr. Stolley*. Additionally, by requesting copies of the emails sent by the Organization's attorneys that Mr. Stolley did not respond to, the Organization can show Mr. Stolley's pattern or practice of completely ignoring counterparties in legal proceedings in which Mr. Stolley is involved regardless of the expectation of immigration judges that the parties to proceedings meet and confer about motions and applications for relief. The connection between Mr. Stolley's claimed unlawful actions and his own emails is direct and clear, not remote or attenuated. In Mr. Stolley's emails, there is likely evidence of discrimination of the exact nature alleged by this request.

Second, the requested records will be meaningfully informative about whether Mr. Stolley and, through Mr. Stolley, ICE itself are violating the constitutional rights of thousands or tens of thousands of noncitizens by way of discriminating against those noncitizens' attorneys and using the attorneys as a defensive proxy that insulates Mr. Stolley's behavior from being easily discovered. It is of the utmost importance to know whether the head prosecutor in any jurisdiction is engaging in a widespread pattern or practice of discriminating against other stakeholders (*e.g.*, the noncitizens being prosecuted, the families of the noncitizens being prosecuted, the attorneys of the noncitizens being prosecuted, and the immigration judges who preside over the cases brought by the prosecution). And what better proof of Mr. Stolley's actions other than his own discriminatory and technologically preserved statements of animus could possibly exist? None of this information is already in the public domain, and this is realistically the only way to get the information into the public domain.

Third, Mr. Stolley is the head prosecutor for ICE's OPLA Office located in Minnesota. This OPLA Office's described "Area of Responsibility" covers "Iowa, Minnesota, Nebraska, North Dakota, [and] South Dakota." *ICE Field Offices*, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, <https://www.ice.gov/contact/field-offices?state=15&office=All&keyword=> (last visited Mar. 12, 2021). According to TRAC Immigration's Immigration Court Backlog Tool, there are tens of thousands of pending removal cases in the jurisdictions covered by Mr. Stolley. For example, the tool states, as of January 2021, Minnesota has 14,770 pending cases and Nebraska has 17,805 pending cases, meaning that Mr. Stolley's actions could theoretically affect 32,575 pending removal cases *in addition* to the thousands of removal cases already completed under the direction of Mr. Stolley. In other words, it is conceivable that Mr. Stolley's actions could have affected upwards of 100,000 individuals, especially if one considers the U.S. citizen or lawful permanent resident family members of those persons in removal proceedings. The number of potentially affected persons will only continue to grow with time unless remedial action is taken. This all combines to mean that the information requested by the Organization will contribute to a reasonably broad audience of persons interested in the subject. This goes so much deeper than Mr. Stolley's discrimination against the Organization and its attorneys, but to see the true scope of the problem the first domino still needs to be flipped. This request flips that first domino.^{††}

Fourth, the public's understanding of the subject in question—*i.e.*, is ICE, through Mr. Stolley, unlawfully discriminating against thousands of individuals in a manner that is both unconstitutional and deeply disturbing? —will be enhanced by the requested disclosures to a significant extent. The requested records span more than 5 years and will thus be able to establish and show a pattern or practice of unlawful discrimination in a manner that a more time-limited request cannot. Additionally, by showing the communications Mr. Stolley sent, and by showing his history of responding to the firm's emails until a specific point in time (with that

^{††} It is also relevant to note that the Organization, through the attorneys it employs, has the intention and ability to effectively convey the disclosed information to a reasonably broad audience of persons interested in the matter. Many of the Organization's attorneys, including undersigned counsel, are members of the American Immigration Lawyers Association ("AILA"), which consists of more than 15,000 private immigration lawyers, professors, and clinicians. The Organization, through its attorneys that are AILA members, will promptly disclose relevant records that show ICE's discriminatory treatment to AILA National and to the local Minnesota/Dakota AILA Chapter in order to allow other AILA members to begin filing similar requests to seek the information that they are entitled to and which the Organization is not entitled to request. Additionally, the Organization, through its attorneys, has professional relationships with various members of the news media (radio, newspaper, and television), as evidenced by recent articles in which Plaintiff's clients made the news. *See, e.g.*, Briana Bierschbach, *Minnesota Officials Grant State's First Full Pardon in More Than 35 Years*, STAR TRIBUNE (Jan. 25, 2021), <https://www.startribune.com/minnesota-officials-grant-state-s-first-full-pardon-in-more-than-35-years/600014913/> ("Her probation for both convictions is set to expire next year, but in her application for a pardon, Elizondo's attorney, Nico Ratkowski with the firm Contreras & Metelska, said she could not wait that long."); Randy Furst, *Minneapolis Settles First Lawsuit Against Police Stemming from Floyd Protests*, STAR TRIBUNE (Jan. 27, 2021) ("Right now it is looking like she recovered," said Nico Ratkowski, her St. Paul attorney...) and "The Cisneros suit is one of several legal actions alleging police misconduct during the Floyd protests, including a second federal suit filed by Ratkowski on behalf of Ericka Khounedaeth, 21, an accounting administrator from Plymouth").

point in time being intimately tied to Mr. Stolley becoming irrationally angry at attorneys employed by the Organization), it is possible to show that Mr. Stolley's behavior is more than coincidence—it is intentional. This intentionality, along with the other reasons for granting this request for a fee waiver, will enhance the public's understanding of how the Minnesota ICE OPLA Field Office operates to a significant extent.

B. Disclosure of the information is not primarily in the commercial interest of the requester

To determine whether disclosure of the requested information is primarily in the commercial interest of the requester, components will consider the following factors:

(i) Components shall identify any commercial interest of the requester, as defined in paragraph (b)(1) of this section, that would be furthered by the requested disclosure. Requesters shall be given an opportunity to provide explanatory information regarding this consideration.

(ii) A waiver or reduction of fees is justified where the public interest is greater than any identified commercial interest in disclosure. Components ordinarily shall presume that where a news media requester has satisfied the public interest standard, the public interest will be the interest primarily served by disclosure to that requester. Disclosure to data brokers or others who merely compile and market government information for direct economic return shall not be presumed to primarily serve the public interest.

(4) Where only some of the records to be released satisfy the requirements for a waiver of fees, a waiver shall be granted for those records.

(5) Requests for a waiver or reduction of fees should be made when the request is first submitted to the component and should address the criteria referenced above. A requester may submit a fee waiver request at a later time so long as the underlying record request is pending or on administrative appeal. When a requester who has committed to pay fees subsequently asks for a waiver of those fees and that waiver is denied, the requester will be required to pay any costs incurred up to the date the fee waiver request was received.

6 C.F.R. § 5.11(k)(3)-(5).

For the reasons mentioned *supra* in Part III of this request, the Organization submits that the Organization has no commercial interest that would be furthered by the requested disclosure. *Supra* at 5-8.

To the extent that ICE believes that the Organization has a commercial interest that would be furthered by the requested disclosure, the Organization

submits that the public interest in disclosure is clearly greater than any identified commercial interest in disclosure.

The Organization submits that all of the records requested satisfy the requirements for a waiver of fees, and thus requests a full and complete fee waiver.

V. Conclusion

For the aforementioned reasons, it is the Requesting Party's sincere belief that providing the requested records will contribute significantly to public understanding of the operations or activities of the government.

Sincerely,

Nico Ratkowski

Nico Ratkowski, Esq.

DUPLICATE OF FOIA REQUEST

**(CONTAINING WET-INK
SIGNATURES INSTEAD OF
E-SIGNATURES)**



CONTRERAS
& METELSKA, PA

March 22, 2021

U.S. Immigration and Customs Enforcement
Freedom of Information Act Office
500 12th Street, S.W., Stop 5009
Washington, D.C. 20536-5009

ICE-FOIA@dhs.gov


RE: Freedom of Information Act Request

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Nico Ratkowski
Attorney at Law

03/22/2021
Date

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This request specifically seeks disclosure of all emails sent by ICE employee, James S. Jr. Stolley (a/k/a "Jim Stolley" or "Mr. Stolley") that: (1) were sent between January 1, 2016 and the date on which this request is fulfilled, and (2) include one or more of the specified search terms below.

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II. The Requested Records

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equipment or government storage sites that store digital data transmitted or received by Mr. Stolley.

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3. In the preceding paragraph, the term "specified search terms" was used; "specified search terms" means one (or more) of the following:**
 - a. Gloria Contreras
 - b. Gloria Contreras Edin
 - c. Contreras
 - d. Contreras'
 - e. Metelska's
 - f. Contreras and Metelska
 - g. Contreras & Metelska
 - h. C&M
 - i. Contreras Metelska
 - j. Gloria's firm
 - k. Gloria's office
 - l. Gloria's
 - m. gloria@contrerasedinlaw.com
 - n. gloria@contrerasmetelska.com
 - o. Contreras Edin & Associates
 - p. Contreras Edin and Associates
 - q. Contreras Edin law
 - r. Latina
 - s. Latin
 - t. Latino
 - u. Hispanic

** Please note that no attention should be paid to capitalization. This request seeks any version of these terms regardless of whether one or more letters are capitalized.

v. Magdalena Metelska
w. Magdalena
x. Metelska
y. Magda
z. magdalena@contrerasedinlaw.com
aa. magdalena@contrerasmetelska.com
bb. Polish
cc. Nicholas Ratkowski
dd. Nico Ratkowski
ee. Nico
ff. Ratkowski
gg. nico@contrerasedinlaw.com
hh. nico@contrerasmetelska.com
ii. Anu Jaswal
jj. Anu
kk. Jaswal
ll. anu@contrerasedinlaw.com
mm. anu@contrerasmetelska.com
nn. Mary Shaw
oo. Mary
pp. Shaw
qq. mary@contrerasmetelska.com
rr. Alexandra Gandara Kraemer
ss. Alexandra
tt. Gandara Kraemer
uu. Gandara
vv. Kraemer
ww. Ali Gandara Kraemer
xx. Ali Gandara
yy. Ali Kraemer
zz. ali@contrerasmetelska.com

aaa. 200 University Ave. W
bbb. 200 University Avenue W
ccc. 200 University Ave W
ddd. 546 Rice Street
eee. 546 Rice St.
fff. 546 Rice St
ggg. (651) 771-0019
hhh. 651-771-0019
iii. 6517710019
jjj. 651.771.0019
kkk. 651 771 0019

4. This request also seeks the full email chains (only those portions on which Mr. Stolley, through his email, is attached) of any email(s) responsive to ¶ 2.
5. This request also seeks the full email chains (only those portions on which Mr. Stolley, through his email, is attached) of any emails sent or received between January 1, 2016 and the date on which this request is fulfilled that were: (1) *sent to* Mr. Stolley by any of the following email addresses, and (2) never directly responded to by Mr. Stolley:
 - a. gloria@contrerasedinlaw.com
 - b. gloria@contrerasmetelska.com
 - c. magdalena@contrerasedinlaw.com
 - d. magdalena@contrerasmetelska.com
 - e. nico@contrerasedinlaw.com
 - f. nico@contrerasmetelska.com
 - g. anu@contrerasedinlaw.com
 - h. anu@contrerasmetelska.com
 - i. mary@contrerasmetelska.com
 - j. ali@contrerasmetelska.com

III. This Is Not A Commercial Use Request

6 C.F.R. § 5.11(b)(1) defines a commercial use request as “a request that asks for information for a use or a purpose that furthers a commercial, trade, or profit interest, which can include furthering those interests through litigation.” The commercial use request designation is “made on a case-by-case basis based on the requester’s intended use of the information.” *Id.*

The Organization acknowledges that it is specifically requesting information about itself and the attorneys it currently employs, and understands how ICE may believe that this, without further explanation, might indicate that this request is a commercial use request. However, the Organization respectfully submits that this is not a commercial use request for the following reasons:

1. The Organization does not intend to use any of the information requested to further a commercial, trade, or profit interest.
2. The Organization seeks the information requested because the Organization has a credible reason to believe that it, and its clients, are being discriminated against in a systemic and unconstitutional manner by Mr. Stolley. *See, e.g.*, Exhibit, pp. 7-68 (consisting of various affidavits and email chains that evidence Mr. Stolley is discriminating against myriad attorneys and their clients in a systemic and unconstitutional manner).
3. The Organization needs to know if its clients are being prejudiced by Mr. Stolley's well-known practice of blacklisting certain attorneys and law firms.
4. Mr. Stolley, as the head prosecutor of the local ICE office, holds a position of public trust and his actions affect attorneys and their clients spanning over 5 states (or 1/10 of the United States), including Iowa, Minnesota, Nebraska, North Dakota, and South Dakota.
5. The Organization, through the attorneys it employs, has actual knowledge that Mr. Stolley has blacklisted other attorneys and law firms, outside of the Organization and its attorneys, which indicates that Mr. Stolley is likely engaging in a widespread practice of blacklisting attorneys in multiple states. *See id.*
6. The only reason the Organization is not requesting data on other attorneys or law firms is because the Organization understands that other attorneys and law firms have a privacy interest in their own versions of the data requested by the Organization, and the Organization does not have the time or capacity to request privacy releases from every potentially affected attorney or law firm. As such, the fact that this request is confined to the Organization and the attorneys it employs should not bear on the calculation as to whether this request constitutes a commercial use request.
7. The Organization's ability to communicate effectively with Mr. Stolley and his office directly affects the legal rights and obligations of thousands of noncitizens who are currently in removal proceedings. This is especially true when ICE is granting various forms of prosecutorial discretion (*e.g.*, deferred action, consenting to administrative closure, joining rather than opposing a motion to terminate, etc.). Prior to the Trump administration, ICE regularly granted deferred action to certain people in removal proceedings. Although this practice largely stopped during the Trump administration, the Biden administration's recent promulgation of a new

priority memo signals that it is likely that ICE will begin granting deferred action again in the near future. Because Mr. Stolley is actively refusing to communicate with the Organization and its attorneys, it follows that the clients of the Organization are completely barred from obtaining any form of prosecutorial discretion from ICE for no other reason than Mr. Stolley's personal animus towards the Organization and its attorneys. This course of conduct by Mr. Stolley detrimentally affects the constitutional and statutory rights of the Organization's numerous clients.

8. Though it is conceivable that ICE may believe that because Mr. Stolley's conduct affects the Organization's clients, it follows that the Organization must be seeking the requested information in order to further its commercial, trade, or profit interest in acquiring and keeping clients. However, this assumption is mistaken. The Organization does not advertise to its clients that Mr. Stolley has blacklisted the Organization, and doing so would actually hurt the Organization's commercial, trade, or profit interests because clients who required any sort of deferred action would likely seek different counsel. Similarly, it is highly unlikely that the Organization will gain clientele by announcing publicly that Mr. Stolley and, through him, ICE have been discriminating against the Organization as this announcement is likely to make potential future clients think that Mr. Stolley will continue discriminating against the Organization. To the extent that ICE may think that the Organization has a commercial, trade, or profit interest that will be intentionally furthered by obtaining the requested documents under the assumption that the Organization will use the documents to obtain relief for their clients, the Organization submits that any interest of the Organization's that principally relates to remediating the ongoing constitutional and statutory violations committed by ICE and Mr. Stolley (*i.e.*, depriving noncitizens represented by the Organization of due process of law or equal protection of law based on Mr. Stolley's personal whims) is not itself capable of rendering this request commercial in nature.
9. Notably, the Organization's clients have no ability to request the documents now requested by the Organization because the Organization's clients are not able to obtain adequate privacy release forms from the Organization or its attorneys. As such, the only way the Organization's affected clients can possibly hope to remediate the constitutional and statutory violations inflicted upon them by Mr. Stolley is through the Organization obtaining the documents now requested and combing through those documents to determine which, if any, of their clients have been harmed. Moreover, to prevent the Organization's future clients from being discriminated against in future requests for prosecutorial discretion, it is necessary to ensure that the public is well aware of Mr. Stolley's past unlawful behavior and his penchant for abusing his prosecutorial position by discriminating against attorneys and law firms on the basis of nothing

more than Mr. Stolley's personal animus towards certain attorneys and law firms.

10. Mr. Stolley has previously been sued in federal court by ICE employees that he supervised for: (1) Retaliation Discrimination in Violation of Title VII and the ADEA, (2) Age Discrimination in Violation of the ADEA, and (3) Sex Discrimination in Violation of Title VII. *See Complaint, Vroom v. Johnson*, No. 2:14-cv-02463 (DKD) (D. Ariz. Nov. 6, 2014) (mentioning Mr. Stolley by name 143 times); *e.g.*, Exhibit, pp. 90-156 (copy of the complaint). Following this lawsuit, Mr. Stolley was exiled (and potentially demoted), dishonorably, from Arizona and sent to Minnesota. This past conduct, combined with the current allegations and supporting proof (submitted alongside this FOIA request), conclusively shows that Mr. Stolley is likely abusing his office to the detriment of a huge number of noncitizens in removal proceedings. The Organization is principally interested in exposing Mr. Stolley's behavior, and the Organization is merely requesting data about itself and its attorneys because that is the most likely way to obtain responsive records that can then be used to launch further investigations by other attorneys, law firms, news agencies, and government agencies (*e.g.*, the DHS OIG, etc.).
11. If documents that are responsive to the Organization's request demonstrate that Mr. Stolley has engaged in conduct that merits public censure, suspending his law license, or permanently disbarring him from the practice of law, the Organization will use those documents to support a complaint, filed on behalf of the public and all attorneys and noncitizens who are subject to Mr. Stolley's whims, that will be filed with the Boards of Professional Responsibility in the jurisdictions that have control over Mr. Stolley's license to practice law (*e.g.*, California and, currently, Minnesota). Similarly, the Organization may also file similar complaints with other government oversight agencies such as the Department of Homeland Security's Office of Inspector General. By filing these sorts of complaints, the Organization will use the requested information to safeguard public trust in government agencies such as ICE by removing a cancer from the body of the organization and will concomitantly protect the interests of noncitizens in removal proceedings over the five-state region that falls under Mr. Stolley's command.

The Organization could spend hours listing additional reasons why Mr. Stolley's behavior needs to be made public, and could discuss further how this imperative proves that the request is noncommercial, but the Organization believes any further exposition on these topics is unnecessary in light of the strong showing made above. Should ICE disagree, the Organization respectfully requests that ICE provide the Organization with any reasons it believes the Organization's request constitutes a commercial use request notwithstanding the foregoing so that the Organization may have an opportunity to rebut any unfounded beliefs and to assuage any uncertainties.

Thus, the Organization submits that this is not a commercial use request. The Organization's purpose in requesting these documents is to expose unlawful and unconstitutional discrimination by a government actor in a position of power. The Organization seeks to ensure that its clients, and all other clients of attorneys and law firms who are being treated similarly to the Organization, are being treated fairly on the merits of their applications and specific facts rather than being treated unfairly on the basis of Mr. Stolley's dictatorial whims.

IV. A Fee Waiver Is Requested

6 C.F.R. § 5.11(k)(1) provides that:

(1) Records responsive to a request **shall** be furnished without charge or at a reduced rate below that established under paragraph (c) of this section, where a component determines, on a case-by-case basis, based on all available information, that the requester has demonstrated that:

(i) Disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government; and

(ii) Disclosure of the information is not primarily in the commercial interest of the requester.

6 C.F.R. § 5.11(k)(1) (emphasis added).

A. Disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government

In deciding whether disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of operations or activities of the government, components will consider the following factors:

(i) The subject of the request must concern identifiable operations or activities of the federal government, with a connection that is direct and clear, not remote or attenuated.

(ii) Disclosure of the requested records must be meaningfully informative about government operations or activities in order to be "likely to contribute" to an increased public understanding of those operations or activities. The disclosure of information that already is in the public domain, in either the same or a substantially identical form, would not contribute to such understanding where nothing new would be added to the public's understanding.

(iii) The disclosure must contribute to the understanding of a reasonably broad audience of persons interested in the subject, as opposed to the individual understanding of the requester. A requester's expertise in the subject area as well as his or her ability and intention to effectively convey information to the public shall be

considered. It shall be presumed that a representative of the news media will satisfy this consideration.

(iv) The public's understanding of the subject in question must be enhanced by the disclosure to a significant extent. However, components shall not make value judgments about whether the information at issue is "important" enough to be made public.

6 C.F.R. § 5.11(k)(2).

The Organization submits that disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of operations or activities of the government for the reasons that follow.

First, the Organization's request concerns identifiable operations or activities of the federal government with a connection that is direct and clear. The Organization's request relates specifically to the conduct of Mr. Stolley, the head prosecutor for ICE for a geographic location spanning 5 states, or 1/10th of the Union. The request specifically seeks emails sent *from* Mr. Stolley, thereby ensuring that his own words and actions will be the barometer by which he is judged in the court of public opinion. The other emails requested (*i.e.*, email chains that flow from Mr. Stolley's emails) are necessary to provide adequate context, and these supplementary emails have been expressly limited by only requesting the portions of the email chains actually *sent or received by Mr. Stolley*. Additionally, by requesting copies of the emails sent by the Organization's attorneys that Mr. Stolley did not respond to, the Organization can show Mr. Stolley's pattern or practice of completely ignoring counterparties in legal proceedings in which Mr. Stolley is involved regardless of the expectation of immigration judges that the parties to proceedings meet and confer about motions and applications for relief. The connection between Mr. Stolley's claimed unlawful actions and his own emails is direct and clear, not remote or attenuated. In Mr. Stolley's emails, there is likely evidence of discrimination of the exact nature alleged by this request.

Second, the requested records will be meaningfully informative about whether Mr. Stolley and, through Mr. Stolley, ICE itself are violating the constitutional rights of thousands or tens of thousands of noncitizens by way of discriminating against those noncitizens' attorneys and using the attorneys as a defensive proxy that insulates Mr. Stolley's behavior from being easily discovered. It is of the utmost importance to know whether the head prosecutor in any jurisdiction is engaging in a widespread pattern or practice of discriminating against other stakeholders (*e.g.*, the noncitizens being prosecuted, the families of the noncitizens being prosecuted, the attorneys of the noncitizens being prosecuted, and the immigration judges who preside over the cases brought by the prosecution). And what better proof of Mr. Stolley's actions other than his own discriminatory and technologically preserved statements of animus could possibly exist? None of this information is already in the public domain, and this is realistically the only way to get the information into the public domain.

Third, Mr. Stolley is the head prosecutor for ICE's OPLA Office located in Minnesota. This OPLA Office's described "Area of Responsibility" covers "Iowa, Minnesota, Nebraska, North Dakota, [and] South Dakota." *ICE Field Offices*, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, <https://www.ice.gov/contact/field-offices?state=15&office=All&keyword=> (last visited Mar. 12, 2021). According to TRAC Immigration's Immigration Court Backlog Tool, there are tens of thousands of pending removal cases in the jurisdictions covered by Mr. Stolley. For example, the tool states, as of January 2021, Minnesota has 14,770 pending cases and Nebraska has 17,805 pending cases, meaning that Mr. Stolley's actions could theoretically affect 32,575 pending removal cases *in addition* to the thousands of removal cases already completed under the direction of Mr. Stolley. In other words, it is conceivable that Mr. Stolley's actions could have affected upwards of 100,000 individuals, especially if one considers the U.S. citizen or lawful permanent resident family members of those persons in removal proceedings. The number of potentially affected persons will only continue to grow with time unless remedial action is taken. This all combines to mean that the information requested by the Organization will contribute to a reasonably broad audience of persons interested in the subject. This goes so much deeper than Mr. Stolley's discrimination against the Organization and its attorneys, but to see the true scope of the problem the first domino still needs to be flipped. This request flips that first domino.^{††}

Fourth, the public's understanding of the subject in question—*i.e.*, is ICE, through Mr. Stolley, unlawfully discriminating against thousands of individuals in a manner that is both unconstitutional and deeply disturbing?—will be enhanced by the requested disclosures to a significant extent. The requested records span more than 5 years and will thus be able to establish and show a pattern or practice of unlawful discrimination in a manner that a more time-limited request cannot. Additionally, by showing the communications Mr. Stolley sent, and by showing his history of responding to the firm's emails until a specific point in time (with that

^{††} It is also relevant to note that the Organization, through the attorneys it employs, has the intention and ability to effectively convey the disclosed information to a reasonably broad audience of persons interested in the matter. Many of the Organization's attorneys, including undersigned counsel, are members of the American Immigration Lawyers Association ("AILA"), which consists of more than 15,000 private immigration lawyers, professors, and clinicians. The Organization, through its attorneys that are AILA members, will promptly disclose relevant records that show ICE's discriminatory treatment to AILA National and to the local Minnesota/Dakota AILA Chapter in order to allow other AILA members to begin filing similar requests to seek the information that they are entitled to and which the Organization is not entitled to request. Additionally, the Organization, through its attorneys, has professional relationships with various members of the news media (radio, newspaper, and television), as evidenced by recent articles in which Plaintiff's clients made the news. *See, e.g.*, Briana Bierschbach, *Minnesota Officials Grant State's First Full Pardon in More Than 35 Years*, STAR TRIBUNE (Jan. 25, 2021), <https://www.startribune.com/minnesota-officials-grant-state-s-first-full-pardon-in-more-than-35-years/600014913/> ("Her probation for both convictions is set to expire next year, but in her application for a pardon, Elizondo's attorney, Nico Ratkowski with the firm Contreras & Metelska, said she could not wait that long."); Randy Furst, *Minneapolis Settles First Lawsuit Against Police Stemming from Floyd Protests*, STAR TRIBUNE (Jan. 27, 2021) ("Right now it is looking like she recovered," said Nico Ratkowski, her St. Paul attorney..." and "The Cisneros suit is one of several legal actions alleging police misconduct during the Floyd protests, including a second federal suit filed by Ratkowski on behalf of Ericka Khounedaeth, 21, an accounting administrator from Plymouth").

point in time being intimately tied to Mr. Stolley becoming irrationally angry at attorneys employed by the Organization), it is possible to show that Mr. Stolley's behavior is more than coincidence—it is intentional. This intentionality, along with the other reasons for granting this request for a fee waiver, will enhance the public's understanding of how the Minnesota ICE OPLA Field Office operates to a significant extent.

B. Disclosure of the information is not primarily in the commercial interest of the requester

To determine whether disclosure of the requested information is primarily in the commercial interest of the requester, components will consider the following factors:

- (i) Components shall identify any commercial interest of the requester, as defined in paragraph (b)(1) of this section, that would be furthered by the requested disclosure. Requesters shall be given an opportunity to provide explanatory information regarding this consideration.
- (ii) A waiver or reduction of fees is justified where the public interest is greater than any identified commercial interest in disclosure. Components ordinarily shall presume that where a news media requester has satisfied the public interest standard, the public interest will be the interest primarily served by disclosure to that requester. Disclosure to data brokers or others who merely compile and market government information for direct economic return shall not be presumed to primarily serve the public interest.
- (4) Where only some of the records to be released satisfy the requirements for a waiver of fees, a waiver shall be granted for those records.
- (5) Requests for a waiver or reduction of fees should be made when the request is first submitted to the component and should address the criteria referenced above. A requester may submit a fee waiver request at a later time so long as the underlying record request is pending or on administrative appeal. When a requester who has committed to pay fees subsequently asks for a waiver of those fees and that waiver is denied, the requester will be required to pay any costs incurred up to the date the fee waiver request was received.

6 C.F.R. § 5.11(k)(3)-(5).

For the reasons mentioned *supra* in Part III of this request, the Organization submits that the Organization has no commercial interest that would be furthered by the requested disclosure. *Supra* at 5-8.

To the extent that ICE believes that the Organization has a commercial interest that would be furthered by the requested disclosure, the Organization

submits that the public interest in disclosure is clearly greater than any identified commercial interest in disclosure.

The Organization submits that all of the records requested satisfy the requirements for a waiver of fees, and thus requests a full and complete fee waiver.

V. Conclusion

For the aforementioned reasons, it is the Requesting Party's sincere belief that providing the requested records will contribute significantly to public understanding of the operations or activities of the government.

Sincerely,



Nico Ratkowski, Esq.

EXHIBITS

EXHIBITS

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Freedom of Information Act Office

U.S. Department of Homeland Security
500 12th St SW, Stop 5009
Washington, DC 20536



U.S. Immigration
and Customs
Enforcement

AFFIRMATION/DECLARATION

This is to affirm that

I, Mary Kathleen Shaw,
(PRINT FULL NAME)

request access to records maintained by the Immigration and Customs
Enforcement which pertain to me. My present address is:

[REDACTED]

my date of birth is: [REDACTED], and

my place of birth was: [REDACTED]

I understand that any knowingly or willfully seeking or obtaining access to records about
another person under false pretenses is punishable by a fine of up to \$5,000. I also
understand that any applicable fees must be paid by me.

I hereby authorize Nico Ratkowski access to my records.
(PRINT FULL NAME)

I request that any located and disclosable records be forwarded to the following individual:

Nico Ratkowski at the following address:
(PRINT FULL NAME)

200 University Ave W, Suite 200, St. Paul, MN 55103

I hereby declare or certify under penalty of perjury that the foregoing is true and correct.

Executed on 03/09/2021
(DATE)

[Signature]
(SIGNATURE OF AFFIRMANT/DECLARANT).

PLEASE RETURN TO: U.S. Department of Homeland Security
Immigration and Customs Enforcement
500 12th Street, SW, Stop 5009, Washington, DC 20536-5009
Via Facsimile: 202-732-4265;
Via email: ice-foia@dhs.gov

Freedom of Information Act Office

U.S. Department of Homeland Security
500 12th St SW, Stop 5009
Washington, DC 20536



U.S. Immigration
and Customs
Enforcement

AFFIRMATION/DECLARATION

This is to affirm that

I, Nico Ratkowski
(PRINT FULL NAME)

request access to records maintained by the Immigration and Customs
Enforcement which pertain to me. My present address is:

[REDACTED]

my date of birth is: [REDACTED], and

my place of birth was: [REDACTED]

I understand that any knowingly or willfully seeking or obtaining access to records about
another person under false pretenses is punishable by a fine of up to \$5,000. I also
understand that any applicable fees must be paid by me.

I hereby authorize Contreras & Metelska, P.A. / Nico Ratkowski access to my records.
(PRINT FULL NAME)

I request that any located and disclosable records be forwarded to the following individual:

Nico Ratkowski at the following address:
(PRINT FULL NAME)

200 University Avenue W., STE 200, St. Paul, MN 55103

I hereby declare or certify under penalty of perjury that the foregoing is true and correct.

Executed on March 13, 2021
(DATE)

[Signature]
(SIGNATURE OF AFFIRMANT/DECLARANT).

PLEASE RETURN TO: U.S. Department of Homeland Security
Immigration and Customs Enforcement
500 12th Street, SW, Stop 5009, Washington, DC 20536-5009
Via Facsimile: 202-732-4265;
Via email: ice-foia@dhs.gov

Freedom of Information Act Office

U.S. Department of Homeland Security
500 12th St SW, Stop 5009
Washington, DC 20536



U.S. Immigration
and Customs
Enforcement

AFFIRMATION/DECLARATION

This is to affirm that

I, Anu Jaswal,
(PRINT FULL NAME)

request access to records maintained by the Immigration and Customs
Enforcement which pertain to me. My present address is:

200 University Ave W, Suite 200 Saint Paul, MN 55103,

my date of birth is: [REDACTED], and

my place of birth was: [REDACTED].

I understand that any knowingly or willfully seeking or obtaining access to records about
another person under false pretenses is punishable by a fine of up to \$5,000. I also
understand that any applicable fees must be paid by me.

I hereby authorize Nico Ratkowski access to my records.
(PRINT FULL NAME)

I request that any located and disclosable records be forwarded to the following individual:

Nico Ratkowski at the following address:
(PRINT FULL NAME)

200 University Ave W, Suite 200 Saint Paul, MN 55103

I hereby declare or certify under penalty of perjury that the foregoing is true and correct.

Executed on 3/14/2021
(DATE)

[Signature]
(SIGNATURE OF AFFIRMANT/DECLARANT).

PLEASE RETURN TO: U.S. Department of Homeland Security
Immigration and Customs Enforcement
500 12th Street, SW, Stop 5009, Washington, DC 20536-5009
Via Facsimile: 202-732-4265;
Via email: ice-foia@dhs.gov

Freedom of Information Act Office

U.S. Department of Homeland Security
500 12th St SW, Stop 5009
Washington, DC 20536



U.S. Immigration
and Customs
Enforcement

AFFIRMATION/DECLARATION

This is to affirm that

I, Magdalena Bozena Metelska,
(PRINT FULL NAME)

request access to records maintained by the Immigration and Customs
Enforcement which pertain to me. My present address is:

[REDACTED]

my date of birth is: [REDACTED], and

my place of birth was: [REDACTED].

I understand that any knowingly or willfully seeking or obtaining access to records about
another person under false pretenses is punishable by a fine of up to \$5,000. I also
understand that any applicable fees must be paid by me.

I hereby authorize Nicholas Ratzkowski access to my records.
(PRINT FULL NAME)

I request that any located and disclosable records be forwarded to the following individual:

Nicholas Ratzkowski at the following address:
(PRINT FULL NAME)

I hereby declare or certify under penalty of perjury that the foregoing is true and correct.

Executed on 3/16/21
(DATE)

[Signature]
(SIGNATURE OF AFFIRMANT/DECLARANT).

PLEASE RETURN TO: U.S. Department of Homeland Security
Immigration and Customs Enforcement
500 12th Street, SW, Stop 5009, Washington, DC 20536-5009
Via Facsimile: 202-732-4265;
Via email: ice-foia@dhs.gov

Freedom of Information Act Office

U.S. Department of Homeland Security
500 12th St SW, Stop 5009
Washington, DC 20536



**U.S. Immigration
and Customs
Enforcement**

AFFIRMATION/DECLARATION

This is to affirm that

I, Alexandra Gandara Kraemer,

(PRINT FULL NAME)

request access to records maintained by the Immigration and Customs
Enforcement which pertain to me. My present address is:

my date of birth is: [REDACTED], and

my place of birth was: [REDACTED].

I understand that any knowingly or willfully seeking or obtaining access to records about
another person under false pretenses is punishable by a fine of up to \$5,000. I also
understand that any applicable fees must be paid by me.

I hereby authorize Contreras & Metelska, P.A. / Nico Ratkowski access to my records.

(PRINT FULL NAME)

I request that any located and disclosable records be forwarded to the following individual:

Nico Ratkowski at the following address:

(PRINT FULL NAME)

200 University Avenue W., STE 200, St. Paul, MN 55103

I hereby declare or certify under penalty of perjury that the foregoing is true and correct.

Executed on March 19, 2021

(DATE)

A handwritten signature in black ink, appearing to be "Alexandra Gandara Kraemer", written over a horizontal line.

(SIGNATURE OF AFFIRMANT/DECLARANT).

PLEASE RETURN TO: U.S. Department of Homeland Security
Immigration and Customs Enforcement
500 12th Street, SW, Stop 5009, Washington, DC 20536-5009
Via Facsimile: 202-732-4265;
Via email: ice-foia@dhs.gov

Freedom of Information Act Office

U.S. Department of Homeland Security
500 12th St SW, Stop 5009
Washington, DC 20536



**U.S. Immigration
and Customs
Enforcement**

AFFIRMATION/DECLARATION

This is to affirm that

I, Gloria Contreras Edin,

(PRINT FULL NAME)

request access to records maintained by the Immigration and Customs
Enforcement which pertain to me. My present address is:

my date of birth is: _____, and

my place of birth was: _____.

I understand that any knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine of up to \$5,000. I also understand that any applicable fees must be paid by me.

I hereby authorize Contreras & Metelska, P.A. / Nico Ratkowski access to my records.

(PRINT FULL NAME)

I request that any located and disclosable records be forwarded to the following individual:

Nico Ratkowski at the following address:

(PRINT FULL NAME)

200 University Avenue W., STE 200, St. Paul, MN 55103

I hereby declare or certify under penalty of perjury that the foregoing is true and correct.

Executed on March 19, 2021

(DATE)

(SIGNATURE OF AFFIRMANT/DECLARANT).

PLEASE RETURN TO: U.S. Department of Homeland Security
Immigration and Customs Enforcement
500 12th Street, SW, Stop 5009, Washington, DC 20536-5009
Via Facsimile: 202-732-4265;
Via email: ice-foia@dhs.gov

to considering the request and he asked for my client's alien registration number ("A number"), which I gave him. He quickly noted that my client's case is on appeal before the Board of Immigration Appeals ("BIA"), which I confirmed. Mr. Stolley then looked into the details of the case and stated that he didn't realize that I was calling from the office of Contreras & Metelska, P.A., and he asked to confirm that I was calling from Contreras & Metelska, P.A.


8. Upon my confirmation that I was calling from Contreras & Metelska, P.A., Mr. Stolley explicitly said "I don't speak to people from your office" and suggested I "file a bond motion like everyone else." Mr. Stolley was on speaker phone and a paralegal at our firm, Mr. Logan Dedow, was listening on this call. I reminded Mr. Stolley that he speaks for a government agency and that, by declining to speak to me, ICE, through him, is effectively discriminating against my client on the basis of my client's choice of counsel, which appears to be an extremely clear violation of the Sixth Amendment of the United States. Mr. Stolley retorted that he doesn't speak to us because of the "unprofessionalness" of my employer. I explained to Mr. Stolley that his personal grudge against my employer does not justify his invidious refusal to consider an issue that he was otherwise about to consider. I informed Mr. Stolley that I would be filing a complaint against him and explained that his behavior was harming my client, his family, and his U.S.-based employer. Mr. Stolley then hung up on me.
9. I write this affidavit to hold Mr. Stolley accountable for his actions. He is abusing his authority, abusing his discretion by failing to exercise it in a manner that violates the Sixth Amendment of the United States Constitution, and he has been doing this for an extended period of time. It is well-known at our firm that the local OCC office has explicit orders not to communicate in any meaningful manner with anyone from Contreras & Metelska, P.A. outside of immigration court, despite OCC's willingness to communicate with other local attorneys at other nearby firms. Multiple attorneys at my firm have encountered this same behavior and Mr. Stolley is amazingly consistent in his behavior towards our firm.
10. Mr. Stolley's behavior is unethical and deeply unsettling once one realizes he heads an office of government prosecutors. Mr. Stolley's behavior offends the rules of professional responsibility imposed on prosecutors in nearly every state. *See generally* Cal. R. Prof. C. 3.8 and *Comment 1* to Cal. R. Prof. C. 3.8 ("A prosecutor has the responsibility of a minister of justice and not simply that of an advocate. This responsibility carries with it specific obligations to see that the defendant is accorded procedural justice..."); Cal. R. Prof. C. 3.1(a)(1) ("A lawyer shall not... bring or continue an action... [or] assert a position in litigation... without probable cause and for the purpose of harassing or maliciously injuring another person"); Minn. R. Prof. C. 3.8 and *Comment 1* to Minn. R. Prof. C. 3.8 ("A prosecutor has the responsibility of a minister of justice and not simply that of an advocate.

This responsibility carries with it specific obligations to see that the defendant is accorded procedural justice and that guilt is decided upon the basis of sufficient evidence.”); Minn. R. Prof. C. 4.4(a) (“In representing a client, a lawyer shall not use means that have no substantial purpose other than to embarrass, delay, or burden a third person...”)).

11. Mr. Stolley’s refusal to allow the OCC office under his command to meaningfully discuss case-specific issues with employees or agents of Contreras & Metelska, P.A. violates, at minimum, Minnesota Rule of Professional Conduct 4.4(a) because such behavior serves no substantial purpose other than to embarrass Contreras & Metelska attorneys, to delay cases handled specifically by Contreras & Metelska, and to burden Contreras & Metelska and their clients and clients’ employers. Moreover, Mr. Stolley’s conduct also explicitly constitutes “misconduct” under California’s Rule of Professional Responsibility 8.4(d) and (e) because Mr. Stolley’s behavior is prejudicial to the administration of justice and because Mr. Stolley is using his position of power to “state or imply an ability to influence improperly a government agency” (the government agency being OCC’s office within ICE).
12. Mr. Stolley has previously been accused of engaging in egregious behavior; this is not an isolated incident. *See Vroom v. Johnson*, Case No. CV 14-2463-PHX-JAT at Doc. 1, ¶¶ 19-20 (D. Ariz. Nov. 6, 2014) (“he, and Jim Stolley had come up with a 3-point plan to get rid of employees, even when they did not have enough basis to fire them...”); Case No. CV 14-2463 at Doc. 1 ¶ 25 (describing Mr. Stolley’s chain of command as “abusive”); CV 14-2463-PHX-JAT at Doc. 1, ¶ 30 (“Plaintiff was subjected to relentless bullying and harassment by Director Stolley...”); CV 14-2463-PHX-JAT at Doc. 1, ¶ 96-97 (“Plaintiff was targeted for abusive treatment by OPLA leadership, namely... Mr. Stolley... because she is a woman”); CV 14-2463-PHX-JAT at Doc. 1, ¶ 110 (the Plaintiff filed an EEOC complaint against Mr. Stolley). Notably, the case settled (a court did not find in favor of Mr. Stolley and his agency). *See id.* at Doc. 49. I do not know whether Mr. Stolley was sanctioned for his behavior.
13. I do not believe Mr. Stolley has the requisite character or fitness to practice law in any state in the United States. Based on his history of bad behavior, replete with abuses of his authority, it is my opinion that he should be disbarred or suspended from practicing law in California and Minnesota. I further submit that he should be disallowed from supervising other attorneys in any capacity and that he should be disallowed from representing clients (ICE included) before EOIR or any other related immigration-based tribunals. Mr. Stolley’s behavior punishes innocent respondents unnecessarily, taxpayers who must pay the unnecessary costs of extended and unnecessary detention, and is an unfair competition practice intended to harm the business of Contreras & Metelska, P.A. by making it harder for attorneys from Contreras & Metelska, P.A. to do their job competently relative to other

local law firms who also interact daily with Mr. Stolley's office. Oversight offices and regulatory agencies should make an example of Mr. Stolley to ensure that people in his position of power do not think they are above the law in the future.

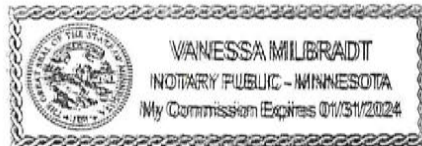
I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and the correct to the best of my knowledge and belief.


Nicholas S. Ratkowski

1/14/2020
Date

Signed and sworn to before me this 14th day of January, 2020.


NOTARY PUBLIC



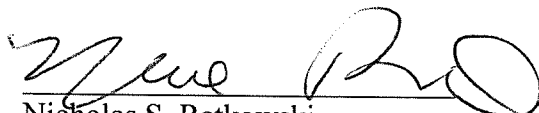
I, Nicholas Ratkowski, having duly sworn, hereby make the following faithful affidavit, and declare that the following is true and accurate to the best of my knowledge:

- 11

Mr. Stolley was fully aware of the merits of my client's case. Mr. Stolley's conduct was prejudicial to the administration of justice. *See* Cal. R. Prof. C. 8.4(d). Moreover, by refusing to allow the attorneys he supervises to speak meaningfully with our office, and by choosing to speak to certain offices himself but not others, Mr. Stolley is improperly influencing a government agency and its officials to achieve results by means that violate California's Rules of Professional Conduct. *See* Cal. R. Prof. C. 8.4(e).

7. Mr. Stolley's unprofessional conduct, in his representation of ICE (his client), unlawfully discriminates against the law office of Contreras & Metelska, P.A. and, consequentially, the law office's clients and the law office's clients' employers and family members. Each time Mr. Stolley acts in this manner, many individuals suffer. *See* Cal. R. Prof. C. 8.4.1(a)(1). Considering that Mr. Stolley only discriminates against clients based on their choice of counsel, this appears to be unlawful discrimination based on choice of counsel, by the federal government, which is a violation of the Sixth Amendment. *See, e.g., United States v. Gonzalez-Lopez*, 548 U.S. 140, 150-52 (2006) (discussing the right to counsel of one's choice). Mr. Stolley's conduct also constitutes unlawful retaliation against persons for perceived but imaginary slights. *See* Cal. R. Prof. C. 8.4.1(a)(2), (b)(2). It is also relevant that Mr. Stolley's discrimination constitutes disparate treatment (or at the very least disparate impact) on the basis of national origin because each one of our clients forced to deal with Mr. Stolley's office, and each person detained by ICE, is alleged to be a national of some country other than the United States. *See* Cal. R. Prof. C. 8.4.1(c)(1).
8. Mr. Stolley's behavior served no substantial purpose other than to delay or prolong the proceeding or to cause needless expense. *See* Cal. R. Prof. C. 3.2.

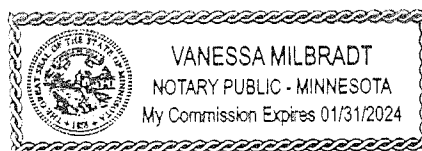
I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and the correct to the best of my knowledge and belief.


Nicholas S. Ratkowski

1/21/2020
Date

Signed and sworn to before me this 21st day of January, 2020.


NOTARY PUBLIC



UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
FORT SNELLING, MN

FILE: A [REDACTED]

IN THE MATTER OF:
[REDACTED]

RESPONDENT

IN REMOVAL PROCEEDINGS

ORDER OF THE IMMIGRATION JUDGE
WITH RESPECT TO CUSTODY

Request having been made for a change in the custody status of respondent pursuant to 8 CFR 236.1(c), and full consideration having been given to the representations of the Department of Homeland Security and the respondent, it is hereby

_____ ORDERED that the request for a change in custody status be denied.

X ORDERED that the request be granted and that respondent be:

_____ released from custody on his own recognizance

X released from custody under bond of \$ 2,500.00 per parties' stipulation

_____ OTHER _____

Copy of this decision has been served on the respondent and the Department of Homeland Security.

APPEAL: waived -- reserved

FORT SNELLING -- BLOOMINGTON DETAINED

Date: Jan 21, 2020

Sarah Mazzie
MAZZIE, SARAH B.
Immigration Judge

XS

I, Logan Dedow, having duly sworn, hereby make the following faithful affidavit, and declare that the following is true and accurate to the best of my knowledge:

1. My name is Logan Dedow. I am employed as a full-time paralegal at Contreras & Metelska, P.A. I share an office with an attorney at the firm, Nicholas Ratkowski (“Nico”).
2. I was in the room and on the call with attorney, Nico Ratkowski, while he was talking to Jim Stolley, telephonically on January 14, 2020 at or around 11:27 AM CST.
3. The phone call was in relation to a custody matter because our client was taken into DHS custody on or around January 7, 2020 when attending his scheduled ICE check-in and Nico was attempting to speed up the bond process by seeing if Mr. Stolley’s office would agree to a bond amount.
4. During this phone call, Nico had his office phone on speaker and I heard every word of the conversation. At the beginning of the call, Mr. Stolley seemed happy to speak with Nico, and Nico seemed to make efforts not to state where he was calling from (although he did mention he was an attorney and was inquiring on behalf of his client). Once Mr. Stolley realized that Nico works at Contreras & Metelska, however, his tone changed and he became unwilling to speak to Nico about the case. Mr. Stolley told Nico that he doesn’t “speak to people from your office”. Nico then challenged Mr. Stolley’s position, but Mr. Stolley eventually got aggravated and hung up the phone.
5. Mr. Stolley’s behavior seemed unprofessional, and I was frankly amazed at how unreasonable he was.

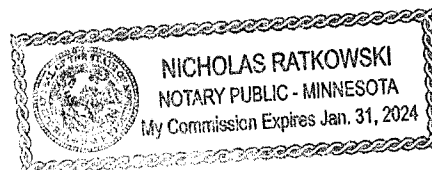
I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and the correct to the best of my knowledge and belief.

Logan Dedow
Logan Dedow

01/14/2020
Date

Signed and sworn to before me this 14 day of January, 2020.

Notary Public



State of Minnesota)

) S.S.

County of Ramsey)

Affidavit of Gloria Contreras Edin

I, Gloria Contreras Edin, having duly sworn, hereby make the following faithful affidavit, and declare that the following is true and accurate to the best of my knowledge:

1. My name is Gloria Contreras Edin. I am an attorney and sole shareholder of Contreras & Metelska, P.A. My Minnesota attorney license number is 0353255.
2. Jim Stolley is a licensed attorney in the State of California and his license number is 170233. See <http://members.calbar.ca.gov/fal/Licensee/Detail/170233>.
3. On or about September of 2018, Mr. Stolley informed me that he would no longer speak to me or to anyone at my firm. Since that time, he has repeatedly refused to communicate with lawyers from my firm.
4. Generally, when a lawyer calls or sends a communication to him and informs him that they are from, Contreras & Metelska, P.A., Mr. Stolley makes it clear that he does not communicate with people from my firm.
5. I write this affidavit to hold Mr. Stolley accountable for his actions. I believe that he treats other female-owned law firms in the same way. The behavior discriminates against me and my clients. His behavior serves no substantial purpose other than to embarrass Contreras & Metelska attorneys, to delay cases handled specifically by Contreras & Metelska, and to burden Contreras & Metelska and their clients and clients' employers. Moreover, Mr. Stolley's conduct also explicitly constitutes "misconduct" under California's Rule of Professional Responsibility 8.4(d) and (e) because Mr. Stolley's behavior is prejudicial to the administration of justice and because Mr. Stolley is using his position of power to "state or imply an ability to influence improperly a government agency" (the government agency being OCC's office within ICE).

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and the correct to the best of my knowledge and belief.

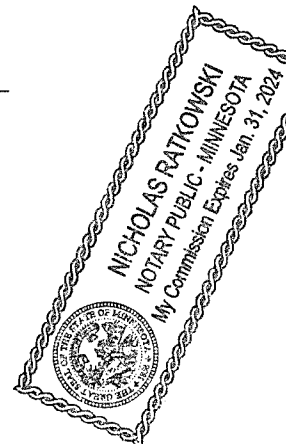
Gloria Contreras Edin

01/10/20.
Date

Signed and sworn to before me this 16 day of January, 2020.

NOTARY PUBLIC

NICHOLAS RATKOWSKI
NOTARY PUBLIC - MINNESOTA
My Commission Expires Jan. 31, 2024

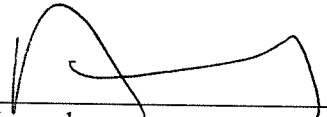


State of Minnesota)
) ss.
 County of Ramsey)

Affidavit of Anu Jaswal

1. My name is Anu Jaswal. I am an attorney licensed by the State Bar of California and the Minnesota Supreme Court. My California bar number is 320025. My Minnesota attorney identification number is 0401299.
2. I am second-year attorney at Contreras & Metelska, PA. Sometime during my first year as an associate at the law firm, I called the Office of Chief Counsel, and Mr. Jim Stolley answered. I called to find out who the ICE attorney was going to be at a removal hearing ahead of time so that I could communicate with the attorney regarding the case. Mr. Stolley told me that he told our office not to call there anymore, and that he had ceased communication with our office. He was unprofessional and hostile.

I declare, under penalty of perjury pursuant to 28 USC Section 1746, that the foregoing is true and correct to the best of my knowledge and belief.



 Anu Jaswal

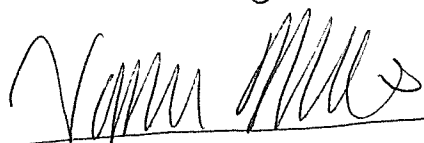
1/21/2020
 Date



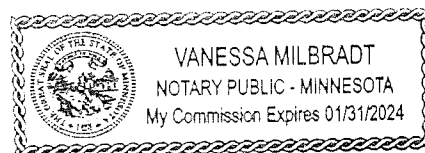
 Vanessa Milbradt

1/21/2020
 Date

Subscribed and sworn before me this
21st day of January 2020.



 Notary Public



State of Minnesota)
) ss.
County of Ramsey)

Declaration of Gloria Contreras Edin

-
1. My name is Gloria Contreras Edin I am employed by Contreras & Metelska, P.A as an attorney. I am licensed to practice law in the State of Minnesota and I am in good standing. My Minnesota License number is: 0353255.
 2. I submit this declaration in support of Contreras & Metelska's FOIA request. Specifically, I am submitting this declaration to demonstrate that the Organization's FOIA request is a non-commercial request. Similarly, if ICE decides to ignore my sworn statement stating that this is not a commercial use request, I am also hoping this declaration will support the Organization's request for a full fee waiver.
 3. I am the owner of Contreras & Metelska, P.A., and I am also an employee at the firm. I am preparing this declaration as a function of being on the clock and compensated at my normal salary rate for preparing this affidavit. Aside from my normal wages, I have not been and will not be compensated in any fashion, or at any time, for my provision of this declaration.
 4. As the sole owner of Contreras & Metelska, I can confirm that Contreras & Metelska has no profit interest in the FOIA request. I, nor anyone in my firm, intends to monetize the requested documents. Instead, we plan to distribute the documents to AILA, news media representatives, to the California Board of Professional Responsibility (that oversees Mr. Stolley's license to practice law), and to the Minnesota Board of Professional responsibility (that oversee attorneys practicing law in Minnesota) free of charge. I, nor any managing member of the firm, intends to use the responsive documents as marketing or advertising tools.
 5. Based on my experience with advertising or marketing the firm, I do not see how the requested documents would constitute useful marketing or advertising tools. The vast majority of the firm's clients are Spanish speakers, and they would not have any interest in the materials requested because the materials requested will not relate to the firm's clients' cases.
 6. I have been a member of AILA for years. I am currently an AILA member. I intend to renew my AILA membership for the foreseeable future.
 7. Since joining AILA, I have seen countless examples of AILA accepting information from its members and publishing that information on its website. Often, AILA will also announce the new posting through a variety of mediums, including but not limited to a daily Recent Postings Alert email, a daily "AILA 8" publication, listserv email blasts, etc. AILA regularly publishes information about EOIR or the Department of Justice that was

initially received by an AILA member. AILA does this because, regardless of where information originates, AILA understands that its members benefit by making all possibly relevant information available online to all of its members.

8. Through AILA, I have access to AILA's Federal Litigation Section and AILA's Minnesota/Dakota Chapter email listservs. I regularly send messages to this listserv, and regularly receive emails from the same. I am also included in other AILA listservs, including the one for the Removal Defense Section.
9. Once the documents requested by the firm are disclosed, the firm, through attorney Nico Ratkowski, will send the documents to AILA's Federal Litigation Section listserv and will also send it to the Removal Defense Section listserv, to the New Member Division listserv, and to the Minnesota/Dakota Chapter listserv. The firm, through Mr. Ratkowski, will also send the documents to AILA National for further dissemination by emailing them to the Senior Director of Communications and Outreach (George P. Tzamaras) at gtzamaras@aila.org, the Associate Director of Communications and Outreach (Belle Woods) at bwoods@aila.org, the Communications Associate for AILA's Immigration Justice Campaign (Tessa Wiseman) at twiseman@aila.org, and to AILA National's Video/Audio Producer (Duygu Erucman) at derucman@aila.org.
10. Upon receiving responsive documents, the firm, through Mr. Ratkowski, will also submit the responsive documents to the AILA Liaison Committee / AILA Liaison & Information department by emailing the responsive documents to reports@aila.org.
11. Upon receiving responsive documents, the firm, through Mr. Ratkowski, will also submit the responsive documents to the Minnesota/Dakota Chapter's media liaison by email.
12. Once the requested records are disclosed, the firm, through Mr. Ratkowski, will review the documents to determine whether they show that Mr. Stolley's license to practice law should be censured, suspended, or revoked. If so, Mr. Ratkowski will use those documents, along with the other materials submitted in support of this FOIA request, to file a complaint with the California Board of Professional Responsibility and to file a second complaint with the Minnesota Board of Professional Responsibility. Mr. Ratkowski may also submit similar documents and complaints to relevant government oversight agencies including but not limited to the Department of Homeland Security's Office of Inspector General.
13. Because the firm will disseminate responsive records via email, there is no cost to the firm for disseminating the documents widely. Costs of copying or mailing will be non-existent, and thus will not decrease the firm's ability or willingness to disseminate the responsive records widely.

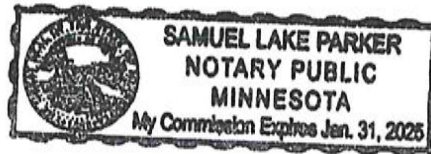
I declare under penalty of perjury, pursuant to 28 U.S.C. 1746, that the foregoing is true and correct to the best of my knowledge and belief.

Signed: _____

Date: March 19, 2021

Subscribed and sworn to before me this 19th day of March, 2021.

Samuel Lake Parker
Notary Public



Nico Ratkowski

From: [REDACTED]
Sent: Wednesday, December 9, 2020 12:24 PM
To: AILA Minnesota - Dakotas Chapter Distribution List
Subject: RE: [mn-dakotas] Motions to dismiss on IJ Hansen's docket

Follow Up Flag: Follow up
Flag Status: Completed

Dear All,

As the majority of you know, I am one of the attorneys who “upset” Stolley and am now banned from ALL communication with his office. None of my phone calls or emails are ever returned. I have learned to live with this issue. However, it greatly prejudices my new clients to the point that I now, at times, have to advise clients in certain situations that their case would benefit more if they changed attorneys as the attorney I recommend has been able to get Stolley to agree to certain actions.

A prosecutor has great discretion . . . however s/he must abide by the same Rules of Professional Conduct that we do. Some of Stolley’s actions, as ugly as we perceive them to be, are within his purview and discretion as a prosecutor. However, some of his actions fall outside the scope of his position and cross the line into violations of professional conduct and it is those are the actions that we need to focus on.

Some attorneys have expressed to me that the upcoming change in President might warrant a behavioral change from Stolley. A change in administration is not going to change Stolley’s abusive behavior towards attorneys he feels threatened by or judges that he cannot control. Possible future behavior does not mitigate the violations of professional conduct that Stolley has already committed and continues to commit. His abusive, unethical behavior has been escalating. I do not believe Stolley is capable of stopping himself from acting out when threatened or angry.

Other attorneys have expressed to me that they worry that if we address our concerns with Stolley or file a complaint against him, then he will cut off all contact with all attorneys. By following this line of argument, are we as a Chapter stating that Stolley’s actions are acceptable as long as some attorneys are treated okay? Is it okay to have violations of professional conduct as long as the majority are not harmed?

As attorneys, we are required to report violations of professional conduct as the violations arise. I sit on a [REDACTED] Committee that reviews attorney ethics complaints. We are a fair group and are more interested in helping an attorney maintain their license and get the professional assistance they need in order to succeed at their job, rather than “punish” the attorneys before us. However, in the rare instance, my committee does recommend a case to the [REDACTED] Supreme Court for formal investigation. It is the [REDACTED] Supreme Courts job to ferret out whether or not to formally discipline an attorney. It is our job as attorneys to put violations of ethical conduct before the proper disciplinary board for that board to flush out the issue and determine the proper sanction or dismissal.

As long as we act out of fear and do not address Stolley’s many abusive actions, he continues to exert power over us. Since my “banishment,” I have been approached by different attorneys that Stolley has threatened, all worried that if they don’t kowtow to Stolley, they and their clients will suffer. This threatening environment impedes an attorney’s ability to take all legal actions available to represent their clients zealously. Is that attorney then violating the rules of professional conduct out of fear of retaliation by the prosecutor?

I encourage our Chapter to have an ongoing discussion as to when and how we want to address this as a Chapter. It is unfair to individual attorneys to have to address the issues of abuse individually. There is no power in that and it only infuriates Stolley more towards the individual attorney.

[REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: Tuesday, December 08, 2020 11:14 AM
To: AILA Minnesota - Dakotas Chapter Distribution List <mn-dakotas@lists.aila.org>
Subject: RE: [mn-dakotas] Motions to dismiss on IJ Hansen's docket

Agreed.

There is also the issue of Stolley refusing to communicate with certain attorneys who “upset” him or who knows what. It is an extreme abuse of power that should not be tolerated. But we know ICE will do nothing about that.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: Tuesday, December 8, 2020 8:59 AM
To: AILA Minnesota - Dakotas Chapter Distribution List <mn-dakotas@lists.aila.org>
Subject: RE:[mn-dakotas] Motions to dismiss on IJ Hansen's docket

This is an ethics issue for the prosecutor. It is his discretion at issue, and an abuse of his office. There are no short term solutions yet from ACIJ Wood.

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: Monday, December 07, 2020 3:50 PM
To: AILA Minnesota - Dakotas Chapter Distribution List <mn-dakotas@lists.aila.org>
Subject: RE:[mn-dakotas] Motions to dismiss on IJ Hansen's docket

[REDACTED] and all,

This issue came up privately with other practitioners and IJ Hansen's docket vis a vis OPLA. This happened to coincide with COVID outbreaks in March and court closures. I'm not sure if now is a prudent time, and aside from collective wisdom, but if our EOIR liaisons have any suggestions how to proceed re this issue, I would find such guidance extremely

helpful. These approaches seem so ad hoc, and it is the respondents who truly suffer amid all the internal politics. But, its 2020 , so nothing seems odd to me anymore.

[REDACTED]

[REDACTED]

From: [REDACTED] –
Sent: Monday, December 7, 2020 2:54 PM
To: AILA Minnesota - Dakotas Chapter Distribution List <mn-dakotas@lists.aila.org>
Subject: [mn-dakotas] Motions to dismiss on IJ Hansen's docket

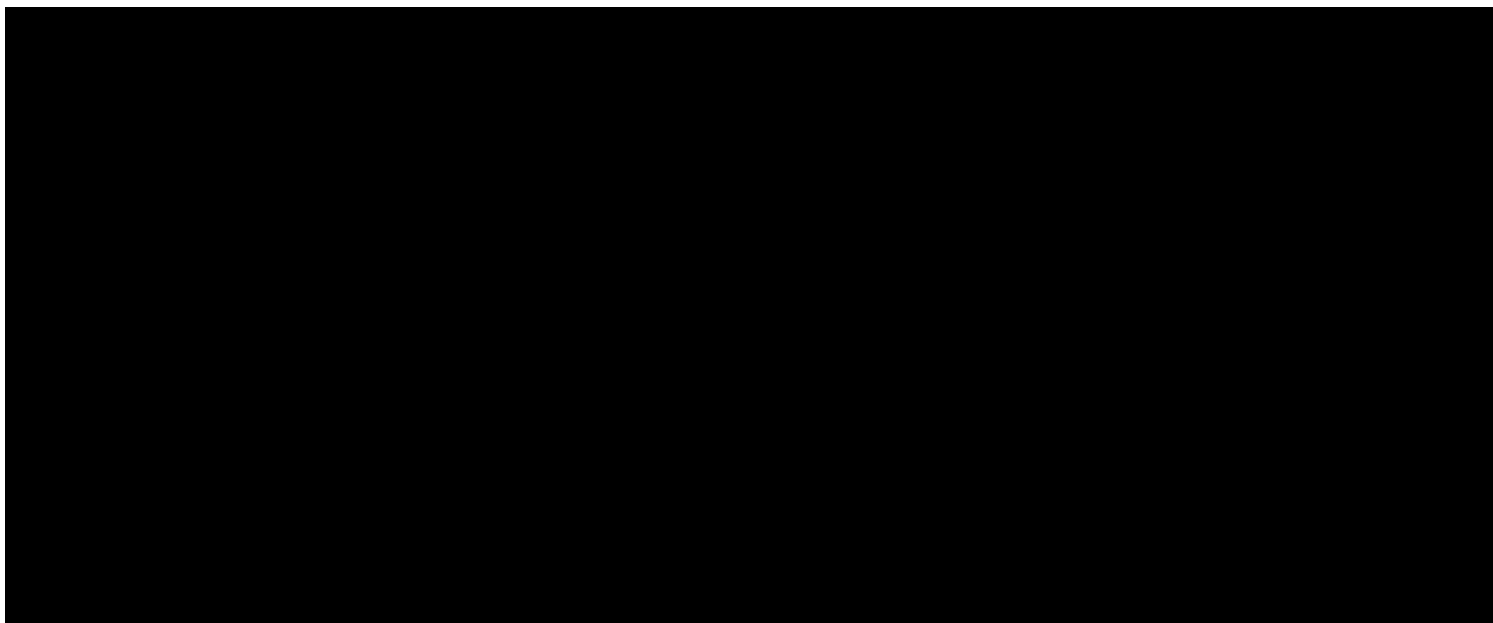
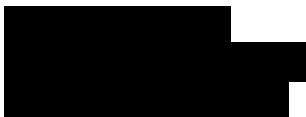
Hi all,

I am representing a UAC in removal proceedings with an approved SIJS petition who has a current file-by priority date under the December visa bulletin. The case is currently on the status docket. It was previously assigned to IJ Carr. I approached Chief Counsel regarding his position on a motion to dismiss to allow my client to file the AOS with USCIS and he responded telling me to motion to recalendar and he would see which IJ is assigned. In other UAC cases we have approached him about recently, he has informed my office that he will not agree to dismiss any case on IJ Hansen's docket (even for cases that are currently being handled by IJ Wood on the status docket... he looks to see which IJ will get it when it comes off the status docket).

I have thought about motioning to recalendar and, if my client is assigned to IJ Hansen's docket, just motioning to put the case back on the status docket and making a record as to why (opposition to dismissal, plus client has pending I-589). That may be my only option – but just wondering if anyone has any other strategy ideas for this situation, or the larger issue of Chief Counsel's position on IJ Hansen cases. Thanks in advance.

Best,

[REDACTED]



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Nico Ratkowski

From: [REDACTED]
Sent: Wednesday, December 9, 2020 12:31 PM
To: AILA Minnesota - Dakotas Chapter Distribution List
Subject: RE: [mn-dakotas] Motions to dismiss on IJ Hansen's docket

Follow Up Flag: Follow up
Flag Status: Completed

Thank you, [REDACTED].

I agree whole-heartedly. His bullying is many steps too far and would not be tolerated by actual judges in actual court.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: Wednesday, December 9, 2020 12:24 PM
To: [REDACTED] 'AILA Minnesota - Dakotas Chapter Distribution List' <mn-dakotas@lists.aila.org>
Subject: RE: [mn-dakotas] Motions to dismiss on IJ Hansen's docket

Dear All,

As the majority of you know, I am one of the attorneys who "upset" Stolley and am now banned from ALL communication with his office. None of my phone calls or emails are ever returned. I have learned to live with this issue. However, it greatly prejudices my new clients to the point that I now, at times, have to advise clients in certain situations that their case would benefit more if they changed attorneys as the attorney I recommend has been able to get Stolley to agree to certain actions.

A prosecutor has great discretion . . . however s/he must abide by the same Rules of Professional Conduct that we do. Some of Stolley's actions, as ugly as we perceive them to be, are within his purview and discretion as a prosecutor. However, some of his actions fall outside the scope of his position and cross the line into violations of professional conduct and it is those are the actions that we need to focus on.

Some attorneys have expressed to me that the upcoming change in President might warrant a behavioral change from Stolley. A change in administration is not going to change Stolley's abusive behavior towards attorneys he feels threatened by or judges that he cannot control. Possible future behavior does not mitigate the violations of professional conduct that Stolley has already committed and continues to commit. His abusive, unethical behavior has been escalating. I do not believe Stolley is capable of stopping himself from acting out when threatened or angry.

Other attorneys have expressed to me that they worry that if we address our concerns with Stolley or file a complaint against him, then he will cut off all contact with all attorneys. By following this line of argument, are we as a Chapter stating that Stolley's actions are acceptable as long as some attorneys are treated okay? Is it okay to have violations of professional conduct as long as the majority are not harmed?

As attorneys, we are required to report violations of professional conduct as the violations arise. I sit on a ND Committee that reviews attorney ethics complaints. We are a fair group and are more interested in helping an attorney maintain their license and get the professional assistance they need in order to succeed at their job, rather than "punish" the attorneys before us. However, in the rare instance, my committee does recommend a case to the ND Supreme Court for formal investigation. It is the ND Supreme Courts job to ferret out whether or not to formally discipline an attorney. It is our job as attorneys to put violations of ethical conduct before the proper disciplinary board for that board to flush out the issue and determine the proper sanction or dismissal.

As long as we act out of fear and do not address Stolley's many abusive actions, he continues to exert power over us. Since my "banishment," I have been approached by different attorneys that Stolley has threatened, all worried that if they don't kowtow to Stolley, they and their clients will suffer. This threatening environment impedes an attorney's ability to take all legal actions available to represent their clients zealously. Is that attorney then violating the rules of professional conduct out of fear of retaliation by the prosecutor?

I encourage our Chapter to have an ongoing discussion as to when and how we want to address this as a Chapter. It is unfair to individual attorneys to have to address the issues of abuse individually. There is no power in that and it only infuriates Stolley more towards the individual attorney.

[REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: Tuesday, December 08, 2020 11:14 AM
To: AILA Minnesota - Dakotas Chapter Distribution List <mn-dakotas@lists.aila.org>
Subject: RE: [mn-dakotas] Motions to dismiss on IJ Hansen's docket

Agreed.

There is also the issue of Stolley refusing to communicate with certain attorneys who “upset” him or who knows what. It is an extreme abuse of power that should not be tolerated. But we know ICE will do nothing about that.

[REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: Tuesday, December 8, 2020 8:59 AM
To: AILA Minnesota - Dakotas Chapter Distribution List <mn-dakotas@lists.aila.org>
Subject: RE:[mn-dakotas] Motions to dismiss on IJ Hansen's docket

This is an ethics issue for the prosecutor. It is his discretion at issue, and an abuse of his office. There are no short term solutions yet from ACIJ Wood.

[REDACTED]

From: [REDACTED]
Sent: Monday, December 07, 2020 3:50 PM
To: AILA Minnesota - Dakotas Chapter Distribution List <mn-dakotas@lists.aila.org>
Subject: RE:[mn-dakotas] Motions to dismiss on IJ Hansen's docket

[REDACTED] and all,

This issue came up privately with other practitioners and IJ Hansen's docket vis a vis OPLA. This happened to coincide with COVID outbreaks in March and court closures. I'm not sure if now is a prudent time, and aside from collective wisdom, but if our EOIR liaisons have any suggestions how to proceed re this issue, I would find such guidance extremely helpful. These approaches seem so ad hoc, and it is the respondents who truly suffer amid all the internal politics. But, its 2020 , so nothing seems odd to me anymore.

[REDACTED]

From: [REDACTED]
Sent: Monday, December 7, 2020 2:54 PM
To: AILA Minnesota - Dakotas Chapter Distribution List <mn-dakotas@lists.aila.org>
Subject: [mn-dakotas] Motions to dismiss on IJ Hansen's docket

Hi all,

I am representing a UAC in removal proceedings with an approved SIJS petition who has a current file-by priority date under the December visa bulletin. The case is currently on the status docket. It was previously assigned to IJ Carr. I approached Chief Counsel regarding his position on a motion to dismiss to allow my client to file the AOS with USCIS and he responded telling me to motion to recalendar and he would see which IJ is assigned. In other UAC cases we have approached him about recently, he has informed my office that he will not agree to dismiss any case on IJ Hansen's docket (even for cases that are currently being handled by IJ Wood on the status docket... he looks to see which IJ will get it when it comes off the status docket).

I have thought about motioning to recalendar and, if my client is assigned to IJ Hansen's docket, just motioning to put the case back on the status docket and making a record as to why (opposition to dismissal, plus client has pending I-589). That may be my only option – but just wondering if anyone has any other strategy ideas for this situation, or the larger issue of Chief Counsel's position on IJ Hansen cases. Thanks in advance.

Best,

[REDACTED]

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Nico Ratkowski

From: [REDACTED]
Sent: Thursday, December 10, 2020 8:00 PM
To: [REDACTED]; Nico Ratkowski
Subject: FW: Update: Another outrageous action - please treat as confidential

Follow Up Flag: Follow up
Flag Status: Completed

See below. Things are brewing



[REDACTED]

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From: [REDACTED]
Date: Thursday, December 10, 2020 at 4:03 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: Update: Another outrageous action - please treat as confidential

Dear Colleagues,

I spoke with Judge Wood this week, from the perspective of, this has happened & in the event there is EVER blowback upon Judge Hanson, we would be available to discuss further. Further following up, based upon [REDACTED]'s email earlier this week & other liaison meetings the court apparently has w/the nonprofits, there is a sense (a vain hope?) that Stolley does a 180 on Jan 20, just as he did in Jan 2017. I have had that thought as well, so we are keeping our powder dry at the moment.

On yet another hand, if you want a story to increase your blood pressure, [REDACTED] tried to get Ken Knapp's position on whether they would appeal a VD grant this morning, and he told her OCC attorneys won't talk with anyone from our office (apparently even in court). [REDACTED] asked since when, to which Mr. Knapp said 'since over a year ago or whenever' (that date would be 4/18/2018, which is the date I put on all my declarations accompanying motions to explain why we haven't conferred with DHS). [REDACTED] said that didn't appear to be the case, since she had conferred with other ACCs recently – and good ol' Ken said "well then, since today."

So hard to tell if that is in fact Jim's "policy" to all ACCs, or just Ken being a dick; either way, [REDACTED] & I will be putting that on the verbally at our first opportunity in every hearing w/r/t why we have not conferred with DHS.

Happy holidays, all,
[REDACTED]

From: [REDACTED]
Sent: Monday, December 7, 2020 1:35 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: Another outrageous action - please treat as confidential
Importance: High

Good afternoon, all,

I am writing to a group of people that I know have had prior run ins with Stolley. [REDACTED] had a particularly egregious example this morning, and I am pondering our course of action.

In sum, we have a disabled minor client in proceedings who has an asylum case pending and was subsequently a victim of an assault in [REDACTED], [REDACTED]. [REDACTED] requested a subpoena from Judge Hanson to get the police report (mainly for U visa purposes) but also wrapped an asylum argument into it. Of course OCC opposed, and Judge Hanson issued the subpoena w/a memo of law w/r/t reasoning.

Stolley then called the City Attorney in [REDACTED] and told him to IGNORE the subpoena bc Judge H is "not a real judge." (He also claims that he ran this issue "up his chain of command," but who knows). Fortunately the City Attorney knows bullshit when he sees it, and issued the police report. He confirmed the exchange with Stolley in a call with [REDACTED] and also forwarded [REDACTED] Jim's shitty email.

[REDACTED] is calling the MN ethics board today to solicit an opinion w/r/t requirements to report; can the email be used in support of a complaint to his state bar, etc.

I am just so angry & appalled that I am reaching out for suggestions or thoughts on a coordinated response/additional complaints/what this could look like.

Also, if you have personal knowledge of others who should be looped in, please let me know but do not forward this message. I would like to try & keep a handle on who is involved as much as possible.

Thank you!

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Nico Ratkowski

From: [REDACTED]
Sent: Wednesday, January 20, 2021 10:54 AM
To: AILA Minnesota - Dakotas Chapter Distribution List
Subject: RE:[mn-dakotas] Biden day 1 summary of EOs released

[REDACTED], I appreciate that, but I don't think it should now be forbidden in the interest of unity to state that many of our colleagues have literally been abused by Stolley over the last four years—blacklisting OPLA from having any communication with entire organizations because one attorney did not grovel before him, threatening defense attorneys with bar complaints for raising misconduct committed by ICE attorneys, threatening and berating and cussing out attorneys over the phone (primarily junior attorneys and female attorneys), trying to coerce counsel into dropping meritorious claims by misrepresenting facts to their supervisors, targeting specific judges, commanding city attorneys to not turn over records or negotiate on PCR, and treating respondents differently based on their attorney. This has been happening from the day I was sworn in as an attorney and he has done these things to literally every attorney in my orbit. And it was all in service to the fascistic and white-supremacist administration. And let's not forget he's only in Minnesota after ICE got sued because he sexually harassed a group of pregnant female attorneys at his previous post. Nor that he had a major role in setting up family detention. He has shown us very clearly who he is and what he will do if he has the opportunity, and it will be very hard to believe that any deviation from that is genuine and not mere duplicity.

I completely understand wanting to turn over a new leaf here and give him a chance to behave more professionally, but if he's not going to atone for any of this we can't be expected to just forget everything he's done and the very real ways he's compounded the trauma that we have all experienced—and absolutely the trauma our clients have experienced—over the four years.

This is really no different than what happened at our Capitol just two weeks ago—it would be unrealistic and downright gaslighting to expect Democratic legislators to just forget that Hawley and Cruz drove extremists to attack them, and Boebert and Goetz and others fed the attackers information as they were locked down. The actual fear that Congresspeople have for their colleagues is real and legitimate and calls for healing are really just calls for the survivors to internalize their trauma and pain.

We all have to come to terms with the trauma we have all experienced (my therapist says the hardest part will be the next few weeks), and honestly I don't want a seat at a table where I'm going to continue to be gaslit and endure further abuse/trauma from Stolley in the form of pretending nothing happened or that “both sides” were decent or whatever. We all need and deserve a collective space for this healing and processing, where we can openly discuss the horrors that ICE unleashed the last 4 years and misconduct by government attorneys, where we do not have to watch our tone, and where we can support each other as we move into the next administration. And I would hope that AILA would be that place.

5 more minutes y'all.

[REDACTED]

From: [REDACTED]
Sent: Wednesday, January 20, 2021 10:28 AM

To: AILA Minnesota - Dakotas Chapter Distribution List <mn-dakotas@lists.aila.org>

Subject: RE:[mn-dakotas] Biden day 1 summary of EOs released

CAUTION: EXTERNAL

█, I speak only for myself here, but I would urge you to stay professional on our listserv. I know that people have their opinions about our Chief Counsel and his conduct. However, those are better venued for private settings, not for all to see, IMHO. OPLA at large are still your colleagues, even as adversaries, which we must be at times. Whether you choose to treat OPLA as such individually is your own individual right. I do urge you to bring any personal issues to our attention as liaisons, in private settings.

Kindly let me know if you want to discuss further off the listserv.

█
█

From: █
Sent: Wednesday, January 20, 2021 10:15 AM
To: █ AILA Minnesota - Dakotas Chapter Distribution List <mn-dakotas@lists.aila.org>
Subject: RE: Biden day 1 summary of EOs released

Does that mean Stolley will end some of the childishness like refusing to communicate with certain attorneys/firms/organizations?

█
█
█

From: █
Sent: Wednesday, January 20, 2021 9:41 AM

To: AILA Minnesota - Dakotas Chapter Distribution List <mn-dakotas@lists.aila.org>

Subject: RE:[mn-dakotas] Biden day 1 summary of EOs released

CAUTION: EXTERNAL

Colleagues,

[REDACTED], thank you for the wonderful summary and thoughts. I sincerely enjoy your thorough and well thought out posting on the listserv. All I can add to this is that today, I am breathing a massive sigh of professional and personal relief. All around. And talking with our Chief Counsel, seems like we may revert to a better, more collaborative pre-2014 (but improved!) reality very shortly. We on our ICE committee-end will be keeping everyone posted as we learn more.

Enjoy your day, colleagues. It is an honor and a pleasure to enter this new and hopefully improved reality with you all.

[REDACTED]

From: [REDACTED]

Sent: Wednesday, January 20, 2021 8:14 AM

To: AILA Minnesota - Dakotas Chapter Distribution List <mn-dakotas@lists.aila.org>

Subject: [mn-dakotas] Biden day 1 summary of EOs released

Listmates,

Below is the link to the text of Biden's EOs and a copy of my morning coffee hot take on the text. Enjoy.

The outlines of the EOs that we expect to be signed by Biden sometime around 5pm EST are out. They can be found here: https://link.edgepilot.com/s/01634eb8/Q1QsVli_uUS8H9JFxF4oYQ?u=https://buildbackbetter.gov/press-releases/fact-sheet-president-elect-bidens-day-one-executive-actions-deliver-relief-for-families-across-america-amid-converging-crises/

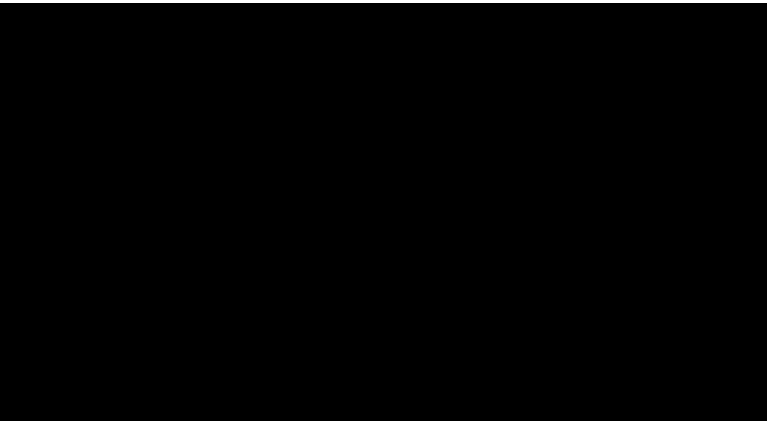
On the immigration side it looks like the following:

- 1: Rescinding Census EO
- 2: Rescinding Muslim Ban

- 3: Rescinding 2017 interior enforcement EO
- 4: Stop wall construction
- 5: Renewing Liberian DED
- 6: Fortifying DACA

1 and 4 are likely not to have any impact on our work. 2 will have some, but our number of cases impacted by the ban are limited, and COVID consulate shutdowns are going to limit the immediacy of this one as well. 5 is cool for any Liberian clients who have yet to AOS under LRIF (remember the application date was extended a year in the most recent omnibus), but its still going to be a handful of potential clients. 6 sounds like it is going to be simply reinforcing DACA under the existing 2012 guidelines (which is the current state of the law already) and not any sort of eligibility expansion such as pushing the continuous residence date forward from June 15, 2007.

3 probably has the biggest possible impact but is unclear in scope. Rescinding the 2017 memo theoretically reverts us to the world of 2014, when PD was a thing for many categories, but its unclear if the text of the EO will implicitly endorse that approach, or if it will put us in sort of a limbo status until Mayorkas comes out with an implementing memo which will specify the new enforcement standards. Also missing is the promised 100 day moratorium.



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Nico Ratkowski

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Sent: Wednesday, January 20, 2021 10:56 AM
To: AILA Minnesota - Dakotas Chapter Distribution List
Subject: RE: [mn-dakotas] Biden day 1 summary of EOs released

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I hope we all get a little reprieve from the chaos and that rules, justice and accountability will have real meaning in this administration.

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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Subject: RE:[mn-dakotas] Biden day 1 summary of EOs released

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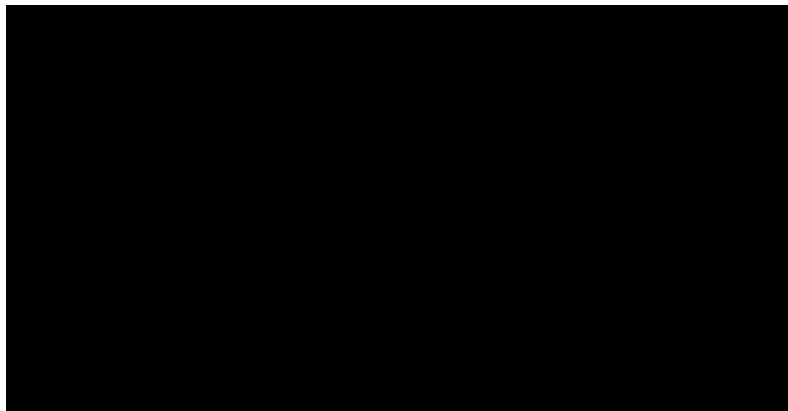
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Nico Ratkowski

From: [REDACTED]
Sent: Wednesday, January 20, 2021 11:06 AM
To: AILA Minnesota - Dakotas Chapter Distribution List
Subject: RE: [mn-dakotas] Biden day 1 summary of EOs released

Agreed. [REDACTED] speaks the truth. Stolley called me, unrequested, on his personal cell phone and the very first thing he did was threaten me with criminal action if I shared his phone number with anyone. And that's not even the worse thing he's done to me. I will not pretend we are both acting in good faith.

[REDACTED], Esq.

From: [REDACTED]
Sent: Wednesday, January 20, 2021 10:54 AM
To: AILA Minnesota - Dakotas Chapter Distribution List <mn-dakotas@lists.aila.org>
Subject: RE:[mn-dakotas] Biden day 1 summary of EOs released

[REDACTED], I appreciate that, but I don't think it should now be forbidden in the interest of unity to state that many of our colleagues have literally been abused by Stolley over the last four years—blacklisting OPLA from having any communication with entire organizations because one attorney did not grovel before him, threatening defense attorneys with bar complaints for raising misconduct committed by ICE attorneys, threatening and berating and cussing out attorneys over the phone (primarily junior attorneys and female attorneys), trying to coerce counsel into dropping meritorious claims by misrepresenting facts to their supervisors, targeting specific judges, commanding city attorneys to not turn over records or negotiate on PCR, and treating respondents differently based on their attorney. This has been happening from the day I was sworn in as an attorney and he has done these things to literally every attorney in my orbit. And it was all in service to the fascistic and white-supremacist administration. And let's not forget he's only in Minnesota after ICE got sued because he sexually harassed a group of pregnant female attorneys at his previous post. Nor that he had a major role in setting up family detention. He has shown us very clearly who he is and what he will do if he has the opportunity, and it will be very hard to believe that any deviation from that is genuine and not mere duplicitousness.

I completely understand wanting to turn over a new leaf here and give him a chance to behave more professionally, but if he's not going to atone for any of this we can't be expected to just forget everything he's done and the very real ways he's compounded the trauma that we have all experienced—and absolutely the trauma our clients have experienced—over the four years.

This is really no different than what happened at our Capitol just two weeks ago—it would be unrealistic and downright gaslighting to expect Democratic legislators to just forget that Hawley and Cruz drove extremists to attack them, and Boebert and Goetz and others fed the attackers information as they were locked down. The actual fear that

Congresspeople have for their colleagues is real and legitimate and calls for healing are really just calls for the survivors to internalize their trauma and pain.

We all have to come to terms with the trauma we have all experienced (my therapist says the hardest part will be the next few weeks), and honestly I don't want a seat at a table where I'm going to continue to be gaslit and endure further abuse/trauma from Stolley in the form of pretending nothing happened or that "both sides" were decent or whatever. We all need and deserve a collective space for this healing and processing, where we can openly discuss the horrors that ICE unleashed the last 4 years and misconduct by government attorneys, where we do not have to watch our tone, and where we can support each other as we move into the next administration. And I would hope that AILA would be that place.

5 more minutes y'all.

[REDACTED]

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Sent: Wednesday, January 20, 2021 10:28 AM
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Subject: RE:[mn-dakotas] Biden day 1 summary of EOs released

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Nico Ratkowski

From: [REDACTED]
Sent: Wednesday, January 20, 2021 11:59 AM
To: AILA Minnesota - Dakotas Chapter Distribution List
Subject: Re: [mn-dakotas] Biden day 1 summary of EOs released

Hello Everyone,

First, thank you to [REDACTED] for sharing information about the EO's to be issued by the Biden Administration later today. This is likely the understatement of the century, but the past four years have been incredibly difficult and I think it is important that we come together as fellow immigration attorneys to celebrate that we survived the past four years.

With regard to the comments about the future working relationship between AILA members and the local ICE Office of Chief Counsel, it is both important acknowledge the harm caused by Chief Stolley's decision to cease communication with certain attorneys, firms and organizations (and their clients) over the past 4 years and our hope that we can have a less contentious relationship with OCC moving forward.

All that said, I would prefer that we not take away from the joy in this day that so many of us worked to make happen by rehashing actions of Chief Stolley and OCC.

There is a lot of work ahead of us, but let's take the day to celebrate this step in the right direction.

[REDACTED]

[REDACTED]

[REDACTED]

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Subject: RE: [mn-dakotas] Biden day 1 summary of EOs released

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It is bad enough that there is virtually nothing that can be done to remedy this situation.

But we should certainly not call our aggrieved colleagues unprofessional for stating facts regarding this decidedly unprofessional conduct.

I hope we all get a little reprieve from the chaos and that rules, justice and accountability will have real meaning in this administration.

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3 probably has the biggest possible impact but is unclear in scope. Rescinding the 2017 memo theoretically reverts us to the world of 2014, when PD was a thing for many categories, but its unclear if the text of the EO will implicitly endorse that approach, or if it will put us in sort of a limbo status until Mayorkas comes out with an implementing memo which will specify the new enforcement standards. Also missing is the promised 100 day moratorium.



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You are currently subscribed to mn-dakotas as: [nico@contrerasmetelska.com]

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Nico Ratkowski

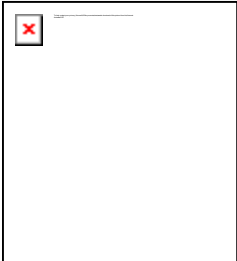
From: [REDACTED]
Sent: Wednesday, January 20, 2021 4:30 PM
To: AILA Minnesota - Dakotas Chapter Distribution List
Subject: RE: [mn-dakotas] Biden day 1 summary of EOs released

I will second that it isn't just an opinion; it is a fact that his behavior is uncivil -- most of us have experienced it at one time or another and it has gotten out of hand. It is pretty ridiculous that he has banished certain law firms from communicating with his office. It is pretty ridiculous that he refuses to stipulate to certain cases simply because of the judge presiding over the case. There is no way we would ever be able to do anything about it if we are unable to discuss it here on this listserv. Maybe something will change with the new administration, but I highly doubt it. Until we become more courageous as a united chapter, nothing will change.

One does not have to abandon all civility to be tough.

From: [REDACTED]
Sent: Wednesday, January 20, 2021 12:33 PM
To: AILA Minnesota - Dakotas Chapter Distribution List <mn-dakotas@lists.aila.org>
Subject: Re: [mn-dakotas] Biden day 1 summary of EOs released

"But we should certainly not call our aggrieved colleagues unprofessional for stating facts regarding this decidedly unprofessional conduct."



[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED]

Sent: Wednesday, January 20, 2021 10:56 AM

To: AILA Minnesota - Dakotas Chapter Distribution List <mn-dakotas@lists.aila.org>

Subject: RE: [mn-dakotas] Biden day 1 summary of EOs released

In [REDACTED]'s defense, he is stating facts, not opinions, about Stolley's conduct towards numerous attorneys in our chapter, myself included.

This issue has been mentioned on various occasions in the past on this listserve.

The only person in this equation being unprofessional is Jim Stolley, not [REDACTED] or me or the other attorneys on his ad hoc "do not communicate with list" for apparently simply doing our jobs. Attorneys have to file motions with affidavits stating that OPLA will not give positions on issues because they will not communicate with their office. They do not return calls or emails for years.

It is bad enough that there is virtually nothing that can be done to remedy this situation.

But we should certainly not call our aggrieved colleagues unprofessional for stating facts regarding this decidedly unprofessional conduct.

I hope we all get a little reprieve from the chaos and that rules, justice and accountability will have real meaning in this administration.

Thanks,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: Wednesday, January 20, 2021 10:28 AM
To: AILA Minnesota - Dakotas Chapter Distribution List <mn-dakotas@lists.aila.org>
Subject: RE:[mn-dakotas] Biden day 1 summary of EOs released

[REDACTED], I speak only for myself here, but I would urge you to stay professional on our listserv. I know that people have their opinions about our Chief Counsel and his conduct. However, those are better venued for private settings, not for all to see, IMHO. OPLA at large are still your colleagues, even as adversaries, which we must be at times. Whether you choose to treat OPLA as such individually is your own individual right. I do urge you to bring any personal issues to our attention as liaisons, in private settings.

Kindly let me know if you want to discuss further off the listserv.

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: Wednesday, January 20, 2021 10:15 AM
To: [REDACTED]; AILA Minnesota - Dakotas Chapter Distribution List <mn-dakotas@lists.aila.org>
Subject: RE: Biden day 1 summary of EOs released

Does that mean Stolley will end some of the childishness like refusing to communicate with certain attorneys/firms/organizations?

[REDACTED]

From: [REDACTED]
Sent: Wednesday, January 20, 2021 9:41 AM
To: AILA Minnesota - Dakotas Chapter Distribution List <mn-dakotas@lists.aila.org>
Subject: RE:[mn-dakotas] Biden day 1 summary of EOs released

CAUTION: EXTERNAL

Colleagues,

[REDACTED], thank you for the wonderful summary and thoughts. I sincerely enjoy your thorough and well thought out posting on the listserv. All I can add to this is that today, I am breathing a massive sigh of professional and personal relief. All around. And talking with our Chief Counsel, seems like we may revert to a better, more collaborative pre-2014 (but improved!) reality very shortly. We on our ICE committee-end will be keeping everyone posted as we learn more.

Enjoy your day, colleagues. It is an honor and a pleasure to enter this new and hopefully improved reality with you all.

[REDACTED]

From: [REDACTED]

Sent: Wednesday, January 20, 2021 8:14 AM

To: AILA Minnesota - Dakotas Chapter Distribution List <mn-dakotas@lists.aila.org>

Subject: [mn-dakotas] Biden day 1 summary of EOs released

Listmates,

Below is the link to the text of Biden's EOs and a copy of my morning coffee hot take on the text. Enjoy.

The outlines of the EOs that we expect to be signed by Biden sometime around 5pm EST are out. They can be found here: <https://link.edgepilot.com/s/cdf2bef1/ADEOcsLGokC9fozu9xLuAg?u=https://buildbackbetter.gov/press-releases/fact-sheet-president-elect-bidens-day-one-executive-actions-deliver-relief-for-families-across-america-amid-converging-crises/>

On the immigration side it looks like the following:

- 1: Rescinding Census EO
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- 3: Rescinding 2017 interior enforcement EO
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1 and 4 are likely not to have any impact on our work. 2 will have some, but our number of cases impacted by the ban are limited, and COVID consulate shutdowns are going to limit the immediacy of this one as well. 5 is cool for any Liberian clients who have yet to AOS under LRIF (remember the application date was extended a year in the most recent omnibus), but its still going to be a handful of potential clients. 6 sounds like it is going to be simply reinforcing DACA under the existing 2012 guidelines (which is the current state of the law already) and not any sort of eligibility expansion such as pushing the continuous residence date forward from June 15, 2007.

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Nico Ratkowski

From: [REDACTED]
Sent: Wednesday, January 20, 2021 10:31 PM
To: AILA Minnesota - Dakotas Chapter Distribution List
Subject: RE:[mn-dakotas] Pause on Removals

So, a return of PD – but no directive to Jim Stolley to scrub his blacklist. Hmm...

From: [REDACTED]
Sent: Wednesday, January 20, 2021 10:13 PM
To: AILA Minnesota - Dakotas Chapter Distribution List <mn-dakotas@lists.aila.org>
Subject: [mn-dakotas] Fw: Pause on Removals

In addition to the EO's announced earlier today, President Biden has also issued an EO announcing a pause on certain removals for 100 days.

In the words of Ice Cube - Today was a Good Day

[REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: Wednesday, January 20, 2021 9:44 PM
To: [REDACTED]
Subject: [REDACTED] Pause on Removals

https://link.edgepilot.com/s/5bc4794b/Jz89_bhX3UK6sJy1uWniDg?u=https://www.dhs.gov/sites/default/files/publications/21_0120_enforcement-memo_signed.pdf

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The Executive Office for Immigration Review
Planning, Analysis, and Statistics Division

PASD 20-654

Data search for Cases where the Firm "Contreras and Metelska" Entered an Appearance:

Note: As requested the data search was based on the Attorney Firm, please note that this field is not a required field in the CASE database.

ALIEN_NBR	ALIEN_NAME	AttorneyFirm	AttorneyName	EORID	AttorneyAddress1	AttorneyAddress2	AttorneyAddressState	AttorneyAddressZip	E_28_DATE	E_27_DATE	Pending Status
		Contreras & Metelska, PA	Jaswal, Anu	O0554597	200 University Ave W		Saint Paul	MN	55103	22-May-18	Complete
		Contreras & Metelska, PA	Jaswal, Anu	O0554597	200 University Ave W		Saint Paul	MN	55103	22-May-18	Complete
		Contreras & Metelska, PA	Jaswal, Anu	O0554597	200 University Ave W		Saint Paul	MN	55103	17-Jul-18	Complete
		Contreras & Metelska, PA	Contreras Edin, Gloria Leticia	AP680575	200 University Avenue West, Suite 200		Saint Paul	MN	55103	27-Jun-19	Complete
		Contreras & Metelska, PA	Jaswal, Anu	O0554597	200 University Ave W		Saint Paul	MN	55103	17-Jul-18	Complete
		Contreras & Metelska, PA	Payne, Russell	N5000887	200 University Avenue West		Saint Paul	MN	55103	12-Feb-19	Complete
		Contreras & Metelska, PA	Contreras Edin, Gloria Leticia	AP680575	200 University Avenue West, Suite 200		Saint Paul	MN	55103	23-Jul-19	Complete
		Contreras & Metelska, PA	Metelska, Magdalena Bozena	FX289181	200 University Avenue West, Suite 200		Saint Paul	MN	55103	09-May-19	Complete
		Contreras & Metelska, P.A.	Metelska, Magdalena Bozena	FX289181	200 University Avenue West, Suite 200		Saint Paul	MN	55103	14-Nov-19	Complete
		Contreras & Metelska, P.A.	Metelska, Magdalena Bozena	FX289181	200 University Avenue West, Suite 200		Saint Paul	MN	55103	22-Apr-19	Complete
		Contreras & Metelska, P.A.	Metelska, Magdalena Bozena	FX289181	200 University Avenue West, Suite 200		Saint Paul	MN	55103	22-Apr-19	Pending at Court
		Contreras & Metelska, PA	Jaswal, Anu	O0554597	200 University Ave W		Saint Paul	MN	55103	09-Jun-18	Complete
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		Contreras & Metelska, P.A.	Metelska, Magdalena Bozena	FX289181	200 University Avenue West, Suite 200		Saint Paul	MN	55103	20-Nov-18	Pending at Court
		Contreras & Metelska, PA	Contreras Edin, Gloria Leticia	AP680575	200 University Avenue West, Suite 200		Saint Paul	MN	55103	23-Jul-19	Complete
		Contreras & Metelska, PA	Contreras Edin, Gloria Leticia	AP680575	200 University Avenue West, Suite 200		Saint Paul	MN	55103	24-Jun-19	Complete
		Contreras & Metelska, P.A.	Metelska, Magdalena Bozena	FX289181	200 University Avenue West, Suite 200		Saint Paul	MN	55103	11-Feb-20	Complete
		Contreras & Metelska, P.A.	Metelska, Magdalena Bozena	FX289181	200 University Avenue West, Suite 200		Saint Paul	MN	55103	11-Feb-20	Pending at Court
		Contreras & Metelska, PA	Contreras Edin, Gloria Leticia	AP680575	200 University Avenue West, Suite 200		Saint Paul	MN	55103	13-Aug-19	Complete
		Contreras & Metelska, PA	Contreras Edin, Gloria Leticia	AP680575	200 University Avenue West, Suite 200		Saint Paul	MN	55103	13-Aug-19	Pending at Court
		Contreras & Metelska, PA	Payne, Russell	N5000887	200 University Avenue West		Saint Paul	MN	55103	07-Dec-18	Complete
		Contreras & Metelska, P.A.	Payne, Russell	N5000887	200 University Avenue West		Saint Paul	MN	55103	07-Dec-18	Pending at Court
		Contreras & Metelska, P.A.	Gandara Kramer, Alexandra Justine	I1344601	200 University Ave. W. Ste. 200		Saint Paul	MN	55413	26-Feb-20	Complete
		Contreras & Metelska, P.A.	Gandara Kramer, Alexandra Justine	I1344601	200 University Ave. W. Ste. 200		Saint Paul	MN	55413	26-Feb-20	Pending at Court
		Contreras & Metelska, P.A.	Ratkowski, Nicholas	DO131705	200 University Avenue W.		Saint Paul	MN	55103	30-Apr-19	Complete
		Contreras & Metelska, P.A.	Ratkowski, Nicholas	DO131705	200 University Avenue W.		Saint Paul	MN	55103	30-Apr-19	Pending at Court
		Contreras & Metelska, P.A.	Ratkowski, Nicholas	DO131705	200 University Avenue W.		Saint Paul	MN	55103	30-Apr-19	Complete
		Contreras & Metelska, P.A.	Ratkowski, Nicholas	DO131705	200 University Avenue W.		Saint Paul	MN	55103	30-Apr-19	Pending at Court
		Contreras & Metelska	Shaw, Mary Kathleen	B8066726	200 University Ave West		Saint Paul	MN	55103	13-Dec-19	Pending at Court
		Contreras & Metelska, P.A.	Brown, Hannah	EE181377	200 University Ave. W.		St. Paul	MN	55103	03-Apr-19	Complete
		Contreras & Metelska, PA	Jaswal, Anu	O0554597	200 University Ave W		Saint Paul	MN	55103	05-Jun-18	Complete
		Contreras & Metelska, PA	Contreras Edin, Gloria Leticia	AP680575	200 University Avenue West, Suite 200		Saint Paul	MN	55103	10-Jan-20	Pending at Court
		Contreras & Metelska, PA	Jaswal, Anu	O0554597	200 University Ave W		Saint Paul	MN	55103	16-Aug-19	Complete
		Contreras & Metelska, PA	Contreras Edin, Gloria Leticia	AP680575	200 University Avenue West, Suite 200		Saint Paul	MN	55103	08-Aug-19	Complete
		Contreras & Metelska, PA	Contreras Edin, Gloria Leticia	AP680575	200 University Avenue West, Suite 200		Saint Paul	MN	55103	08-Aug-19	Pending at Court
		Contreras & Metelska, PA	Contreras Edin, Gloria Leticia	AP680575	200 University Avenue West, Suite 200		Saint Paul	MN	55103	26-Jun-19	Pending at Court
		Contreras & Metelska, PA	Payne, Russell	N5000887	200 University Avenue West		Saint Paul	MN	55103	01-Feb-19	Pending at Court
		Contreras & Metelska, PA	Payne, Russell	N5000887	200 University Avenue West		Saint Paul	MN	55103	26-Jun-19	Pending at Court
		Contreras & Metelska, P.A.	Brown, Hannah	EE181377	200 University Ave. W.		St. Paul	MN	55103	26-Nov-18	Complete
		Contreras & Metelska, P.A.	Metelska, Magdalena Bozena	FX289181	200 University Avenue West, Suite 200		Saint Paul	MN	55103	30-Aug-18	Complete
		Contreras & Metelska, P.A.	Metelska, Magdalena Bozena	FX289181	200 University Avenue West, Suite 200		Saint Paul	MN	55103	19-Sep-18	Complete
		Contreras & Metelska, PA	Contreras Edin, Gloria Leticia	AP680575	200 University Avenue West, Suite 200		Saint Paul	MN	55103	04-Sep-18	Complete
		Contreras & Metelska, PA	Contreras Edin, Gloria Leticia	AP680575	200 University Avenue West, Suite 200		Saint Paul	MN	55103	24-Jul-19	Complete
		Contreras & Metelska, PA	Contreras Edin, Gloria Leticia	AP680575	200 University Avenue West, Suite 200		Saint Paul	MN	55103	24-Jul-19	Pending at Court
		Contreras & Metelska, PA	Payne, Russell	N5000887	200 University Avenue West		Saint Paul	MN	55103	09-Oct-18	Complete
		Contreras & Metelska, PA	Payne, Russell	N5000887	200 University Avenue West		Saint Paul	MN	55103	09-Oct-18	Pending at Court
		Contreras & Metelska, PA	Sevilla, Jose Miguel	LL434153	200 University Ave. W.		St. Paul	MN	55103	09-Oct-18	Complete
		Contreras & Metelska, PA	Sevilla, Jose Miguel	LL434153	200 University Ave. W.		St. Paul	MN	55103	09-Oct-18	Pending at Court
		Contreras & Metelska, P.A.	Ratkowski, Nicholas	DO131705	200 University Avenue W.		Saint Paul	MN	55103	23-Jul-19	Pending at Court
		Contreras & Metelska, PA	Contreras Edin, Gloria Leticia	AP680575	200 University Avenue West, Suite 200		Saint Paul	MN	55103	04-Feb-19	Pending at Court
		Contreras & Metelska, P.A.	Brown, Hannah	EE181377	200 University Ave. W.		St. Paul	MN	55103	04-Feb-19	Pending at Court
		Contreras & Metelska, P.A.	Metelska, Magdalena Bozena	FX289181	200 University Avenue West, Suite 200		Saint Paul	MN	55103	14-Jan-19	Pending at Court
		Contreras & Metelska, P.A.	Metelska, Magdalena Bozena	FX289181	200 University Avenue West, Suite 200		Saint Paul	MN	55103	29-Apr-19	Pending at Court
		Contreras & Metelska, PA	Jaswal, Anu	O0554597	200 University Ave W		Saint Paul	MN	55103	20-Jun-18	Complete
		Contreras & Metelska, PA	Payne, Russell	N5000887	200 University Avenue West		Saint Paul	MN	55103	04-Dec-18	Complete
		Contreras & Metelska, PA	Jaswal, Anu	O0554597	200 University Ave W		Saint Paul	MN	55103	15-Oct-18	Pending at Court
		Contreras & Metelska, P.A.	Ratkowski, Nicholas	DO131705	200 University Avenue W.		Saint Paul	MN	55103	13-Sep-19	Complete
		Contreras & Metelska, P.A.	Ratkowski, Nicholas	DO131705	200 University Avenue W.		Saint Paul	MN	55103	12-Sep-19	Pending at Court
		Contreras & Metelska, P.A.	Metelska, Magdalena Bozena	FX289181	200 University Avenue West, Suite 200		Saint Paul	MN	55103	27-Mar-19	Complete
		Contreras & Metelska, P.A.	Metelska, Magdalena Bozena	FX289181	200 University Avenue West, Suite 200		Saint Paul	MN	55103	27-Mar-19	Pending at Court
		Contreras & Metelska, PA	Contreras Edin, Gloria Leticia	AP680575	200 University Avenue West, Suite 200		Saint Paul	MN	55103	26-Sep-18	Complete
		Contreras & Metelska, PA	Contreras Edin, Gloria Leticia	AP680575	200 University Avenue West, Suite 200		Saint Paul	MN	55103	26-Sep-18	Complete
		Contreras & Metelska, PA	Jaswal, Anu	O0554597	200 University Ave W		Saint Paul	MN	55103	26-Sep-18	Complete
		Contreras & Metelska, P.A.	Brown, Hannah	EE181377	200 University Ave. W.		St. Paul	MN	55103	29-Jul-19	Complete
		Contreras & Metelska, P.A.	Metelska, Magdalena Bozena	FX289181	200 University Avenue West, Suite 200		Saint Paul	MN	55103	19-Nov-19	Complete
		Contreras & Metelska, PA	Jaswal, Anu	O0554597	200 University Ave W		Saint Paul	MN	55103	21-May-19	Complete
		Contreras & Metelska, PA	Jaswal, Anu	O0554597	200 University Ave W		Saint Paul	MN	55103	21-May-19	Pending at Court
		Contreras & Metelska, P.A.	Brown, Hannah	EE181377	200 University Ave. W.		St. Paul	MN	55103	24-Jan-19	Complete
		Contreras & Metelska	Shaw, Mary Kathleen	B8066726	200 University Ave West		Saint Paul	MN	55103	26-May-20	Pending at Board
		Contreras & Metelska	Shaw, Mary Kathleen	B8066726	200 University Ave West		Saint Paul	MN	55103	29-May-20	Pending at Board
		Contreras & Metelska	Shaw, Mary Kathleen	B8066726	200 University Ave West		Saint Paul	MN	55103	29-Apr-20	Pending at Board
		Contreras & Metelska	Shaw, Mary Kathleen	B8066726	200 University Ave West		Saint Paul	MN	55103	29-Apr-20	Complete
		Contreras & Metelska, PA	Contreras Edin, Gloria Leticia	AP680575	200 University Avenue West, Suite 200		Saint Paul	MN	55103	31-Dec-18	Complete
		Contreras & Metelska, PA	Contreras Edin, Gloria Leticia	AP680575	200 University Avenue West, Suite 200		Saint Paul	MN	55103	31-Dec-18	Pending at Board
		Contreras & Metelska, PA	Payne, Russell	N5000887	200 University Avenue West		Saint Paul	MN	55103	17-Apr-19	Complete

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Contreras & Metelisa, P.A.	Payne, Russell	NN500887	200 University Avenue West	Saint Paul	MN	55103			17-Apr-19	Pending at Board
Contreras & Metelisa, P.A.	Payne, Russell	NN500887	200 University Avenue West	Saint Paul	MN	55103	15-Mar-19			Complete
Contreras & Metelisa, P.A.	Payne, Russell	NN500887	200 University Avenue West	Saint Paul	MN	55103	15-Mar-19			Pending at Board
Contreras & Metelisa, P.A.	Ratkowski, Nicholas	DD131705	200 University Avenue W.	Saint Paul	MN	55103			14-Jun-20	Pending at Board
Contreras & Metelisa, P.A.	Ratkowski, Nicholas	DD131705	200 University Avenue W.	Saint Paul	MN	55103			14-Jun-20	Pending at Board
Contreras & Metelisa, P.A.	Ratkowski, Nicholas	DD131705	200 University Avenue W.	Saint Paul	MN	55103	15-Aug-19			Complete
Contreras & Metelisa, P.A.	Ratkowski, Nicholas	DD131705	200 University Avenue W.	Saint Paul	MN	55103	15-Aug-19			Pending at Board
Contreras & Metelisa, P.A.	Payne, Russell	NN500887	200 University Avenue West	Saint Paul	MN	55103	15-Dec-18			Complete
Contreras & Metelisa, P.A.	Contreras Edin, Gloria Leticia	AP680575	200 University Avenue West, Suite 200	Saint Paul	MN	55103	07-Oct-19			Pending at Board
Contreras & Metelisa, P.A.	Contreras Edin, Gloria Leticia	AP680575	200 University Avenue West, Suite 200	Saint Paul	MN	55103	07-Oct-19			Pending at Court
Contreras & Metelisa, P.A.	Contreras Edin, Gloria Leticia	AP680575	200 University Avenue West, Suite 200	Saint Paul	MN	55103	23-Jul-19			Complete
Contreras & Metelisa, P.A.	Brown, Hannah	E1813377	200 University Ave. W.	St. Paul	MN	55103	13-Aug-19			Complete
Contreras & Metelisa, P.A.	Brown, Hannah	E1813377	200 University Ave. W.	St. Paul	MN	55103	13-Aug-19			Pending at Board
Contreras & Metelisa, P.A.	Metelisa, Magdalena Bozena	FZ829181	200 University Avenue West, Suite 200	Saint Paul	MN	55103	16-Dec-19			Complete
Contreras & Metelisa, P.A.	Metelisa, Magdalena Bozena	FZ829181	200 University Avenue West, Suite 200	Saint Paul	MN	55103	16-Dec-19			Pending at Board
Contreras & Metelisa, P.A.	Metelisa, Magdalena Bozena	FZ829181	200 University Avenue West, Suite 200	Saint Paul	MN	55103	17-Jun-20			Complete
Contreras & Metelisa, P.A.	Metelisa, Magdalena Bozena	FZ829181	200 University Avenue West, Suite 200	Saint Paul	MN	55103	17-Jun-20			Pending at Board
Contreras & Metelisa, P.A.	Metelisa, Magdalena Bozena	FZ829181	200 University Avenue West, Suite 200	Saint Paul	MN	55103	19-Jun-20			Complete
Contreras & Metelisa, P.A.	Metelisa, Magdalena Bozena	FZ829181	200 University Avenue West, Suite 200	Saint Paul	MN	55103	19-Jun-20			Pending at Board
Contreras & Metelisa, P.A.	Metelisa, Magdalena Bozena	FZ829181	200 University Avenue West, Suite 200	Saint Paul	MN	55103	29-Jun-20			Complete
Contreras & Metelisa, P.A.	Metelisa, Magdalena Bozena	FZ829181	200 University Avenue West, Suite 200	Saint Paul	MN	55103	29-Jun-20			Pending at Board
Contreras & Metelisa, P.A.	Metelisa, Magdalena Bozena	FZ829181	200 University Avenue West, Suite 200	Saint Paul	MN	55103	29-Jun-20			Complete
Contreras & Metelisa, P.A.	Contreras Edin, Gloria Leticia	AP680575	200 University Avenue West, Suite 200	Saint Paul	MN	55103	13-Aug-19			Complete
Contreras & Metelisa, P.A.	Contreras Edin, Gloria Leticia	AP680575	200 University Avenue West, Suite 200	Saint Paul	MN	55103	13-Aug-19			Pending at Board
Contreras & Metelisa, P.A.	Jawal, Anu	O0554597	200 University Ave W	Saint Paul	MN	55103	21-Aug-19			Complete
Contreras & Metelisa, P.A.	Jawal, Anu	O0554597	200 University Ave W	Saint Paul	MN	55103	21-Aug-19			Pending at Court
Contreras & Metelisa, P.A.	Metelisa, Magdalena Bozena	FZ829181	200 University Avenue West, Suite 200	Saint Paul	MN	55103		06-Dec-18		Pending at Board
Contreras & Metelisa, P.A.	Contreras Edin, Gloria Leticia	AP680575	200 University Avenue West, Suite 200	Saint Paul	MN	55103	04-Mar-19			Pending at Court
Contreras & Metelisa, P.A.	Payne, Russell	NN500887	200 University Avenue West	Saint Paul	MN	55103	04-Mar-19			Pending at Court
Contreras & Metelisa, P.A.	Contreras Edin, Gloria Leticia	AP680575	200 University Avenue West, Suite 200	Saint Paul	MN	55103	03-Jan-19			Complete
Contreras & Metelisa, P.A.	Contreras Edin, Gloria Leticia	AP680575	200 University Avenue West, Suite 200	Saint Paul	MN	55103	03-Jan-19			Pending at Court
Contreras & Metelisa, P.A.	Brown, Hannah	E1813377	200 University Ave. W.	St. Paul	MN	55103	15-Feb-19			Complete
Contreras & Metelisa, P.A.	Brown, Hannah	E1813377	200 University Ave. W.	St. Paul	MN	55103	27-Nov-18			Complete
Contreras & Metelisa, P.A.	Metelisa, Magdalena Bozena	FZ829181	200 University Avenue West, Suite 200	Saint Paul	MN	55103	06-Nov-18			Complete
Contreras & Metelisa, P.A.	Contreras Edin, Gloria Leticia	AP680575	200 University Avenue West, Suite 200	Saint Paul	MN	55103	06-Nov-18			Complete
Contreras & Metelisa, P.A.	Payne, Russell	NN500887	200 University Avenue West	Saint Paul	MN	55103		13-Nov-18		Complete
Contreras & Metelisa, P.A.	Contreras Edin, Gloria Leticia	AP680575	200 University Avenue West, Suite 200	Saint Paul	MN	55103	25-Nov-19			Pending at Court
Contreras & Metelisa, P.A.	Metelisa, Magdalena Bozena	FZ829181	200 University Avenue West, Suite 200	Saint Paul	MN	55103	23-Mar-18			Pending at Court
Contreras & Metelisa, P.A.	Metelisa, Magdalena Bozena	FZ829181	200 University Avenue West, Suite 200	Saint Paul	MN	55103	23-Mar-18			Pending at Court
Contreras & Metelisa, P.A.	Contreras Edin, Gloria Leticia	AP680575	200 University Avenue West, Suite 200	Saint Paul	MN	55103		25-Mar-20		Pending at Board
Contreras & Metelisa, P.A.	Jawal, Anu	O0554597	200 University Ave W	Saint Paul	MN	55103	22-Mar-18			Complete
Contreras & Metelisa, P.A.	Brown, Hannah	E1813377	200 University Ave. W.	St. Paul	MN	55103	07-Jan-19			Complete
Contreras & Metelisa, P.A.	Brown, Hannah	E1813377	200 University Ave. W.	St. Paul	MN	55103	07-Aug-19			Complete
Contreras & Metelisa, P.A.	Jawal, Anu	O0554597	200 University Ave W	Saint Paul	MN	55103	02-Dec-19			Pending at Court
Contreras & Metelisa, P.A.	Contreras Edin, Gloria Leticia	AP680575	200 University Avenue West, Suite 200	Saint Paul	MN	55103	24-Oct-18			Complete
Contreras & Metelisa, P.A.	Contreras Edin, Gloria Leticia	AP680575	200 University Avenue West, Suite 200	Saint Paul	MN	55103	24-Oct-18			Pending at Court
Contreras & Metelisa, P.A.	Jawal, Anu	O0554597	200 University Ave W	Saint Paul	MN	55103	13-Mar-19			Complete
Contreras & Metelisa, P.A.	Jawal, Anu	O0554597	200 University Ave W	Saint Paul	MN	55103	13-Mar-19			Pending at Court
Contreras & Metelisa, P.A.	Metelisa, Magdalena Bozena	FZ829181	200 University Avenue West, Suite 200	Saint Paul	MN	55103	10-May-19			Complete
Contreras & Metelisa, P.A.	Metelisa, Magdalena Bozena	FZ829181	200 University Avenue West, Suite 200	Saint Paul	MN	55103	12-Apr-19			Pending at Court
Contreras & Metelisa, P.A.	Metelisa, Magdalena Bozena	FZ829181	200 University Avenue West, Suite 200	Saint Paul	MN	55103	13-Apr-19			Complete
Contreras & Metelisa, P.A.	Contreras Edin, Gloria Leticia	AP680575	200 University Avenue West, Suite 200	Saint Paul	MN	55103		08-Jul-19		Complete
Contreras & Metelisa, P.A.	Payne, Russell	NN500887	200 University Avenue West	Saint Paul	MN	55103	28-May-19			Complete
Contreras & Metelisa, P.A.	Metelisa, Magdalena Bozena	FZ829181	200 University Avenue West, Suite 200	Saint Paul	MN	55103	23-Aug-18			Complete
Contreras & Metelisa, P.A.	Metelisa, Magdalena Bozena	FZ829181	200 University Avenue West, Suite 200	Saint Paul	MN	55103	23-Aug-18			Pending at Court
Contreras & Metelisa, P.A.	Metelisa, Magdalena Bozena	FZ829181	200 University Avenue West, Suite 200	Saint Paul	MN	55103	29-Oct-18			Complete
Contreras & Metelisa, P.A.	Metelisa, Magdalena Bozena	FZ829181	200 University Avenue West, Suite 200	Saint Paul	MN	55103	29-Oct-18			Pending at Court
Contreras & Metelisa, P.A.	Contreras Edin, Gloria Leticia	AP680575	200 University Avenue West, Suite 200	Saint Paul	MN	55103	09-Apr-19			Complete
Contreras & Metelisa, P.A.	Payne, Russell	NN500887	200 University Avenue West	Saint Paul	MN	55103	25-Mar-19			Pending at Court
Contreras & Metelisa, P.A.	Payne, Russell	NN500887	200 University Avenue West	Saint Paul	MN	55103	29-Mar-19			Pending at Court
Contreras & Metelisa, P.A.	Payne, Russell	NN500887	200 University Avenue West	Saint Paul	MN	55103	29-Mar-19			Pending at Court
Contreras & Metelisa, P.A.	Metelisa, Magdalena Bozena	FZ829181	200 University Avenue West, Suite 200	Saint Paul	MN	55103	07-Jul-15			Complete
Contreras & Metelisa, P.A.	Metelisa, Magdalena Bozena	FZ829181	200 University Avenue West, Suite 200	Saint Paul	MN	55103	07-Jul-15			Pending at Court
Contreras & Metelisa, P.A.	Contreras Edin, Gloria Leticia	AP680575	200 University Avenue West, Suite 200	Saint Paul	MN	55103		07-Jun-19		Complete
Contreras & Metelisa, P.A.	Contreras Edin, Gloria Leticia	AP680575	200 University Avenue West, Suite 200	Saint Paul	MN	55103		07-Jun-19		Pending at Board
Contreras & Metelisa, P.A.	Contreras Edin, Gloria Leticia	AP680575	200 University Avenue West, Suite 200	Saint Paul	MN	55103	08-Nov-18			Complete
Contreras & Metelisa, P.A.	Sevilla, Jose Miguel	LL143153	200 University Ave. W.	St. Paul	MN	55103	10-Sep-18			Complete
Contreras & Metelisa, P.A.	Ratkowski, Nicholas	DD131705	200 University Avenue W.	Saint Paul	MN	55103	20-Mar-19			Pending at Court
Contreras & Metelisa, P.A.	Ratkowski, Nicholas	DD131705	200 University Avenue W.	Saint Paul	MN	55103	21-May-19			Pending at Court
Contreras & Metelisa, P.A.	Jawal, Anu	O0554597	200 University Ave W	Saint Paul	MN	55103	26-Mar-18			Pending at Court
Contreras & Metelisa, P.A.	Contreras Edin, Gloria Leticia	AP680575	200 University Avenue West, Suite 200	Saint Paul	MN	55103	06-Nov-19			Pending at Court
Contreras & Metelisa, P.A.	Ratkowski, Nicholas	DD131705	200 University Avenue W.	Saint Paul	MN	55103	27-Aug-19			Pending at Court
Contreras & Metelisa, P.A.	Ratkowski, Nicholas	DD131705	200 University Avenue W.	Saint Paul	MN	55103	07-Jul-15			Complete
Contreras & Metelisa, P.A.	Contreras Edin, Gloria Leticia	AP680575	200 University Avenue West, Suite 200	Saint Paul	MN	55103	30-Jul-19			Complete
Contreras & Metelisa, P.A.	Contreras Edin, Gloria Leticia	AP680575	200 University Avenue West, Suite 200	Saint Paul	MN	55103	30-Jul-19			Pending at Court
Contreras & Metelisa, P.A.	Payne, Russell	NN500887	200 University Avenue West	Saint Paul	MN	55103	14-Mar-19			Pending at Court
Contreras & Metelisa, P.A.	Ratkowski, Nicholas	DD131705	200 University Avenue W.	Saint Paul	MN	55103	26-Nov-19			Complete
Contreras & Metelisa, P.A.	Ratkowski, Nicholas	DD131705	200 University Avenue W.	Saint Paul	MN	55103	26-Nov-19			Pending at Court
Contreras & Metelisa, P.A.	Contreras Edin, Gloria Leticia	AP680575	200 University Avenue West, Suite 200	Saint Paul	MN	55103	23-May-19			Pending at Court

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Contreras & Metelica, PA	Payne, Russell	NW000887	200 University Avenue West	Saint Paul	MN	55103	20-Dec-18	Complete
Contreras & Metelica, PA	Payne, Russell	NW000887	200 University Avenue West	Saint Paul	MN	55103	20-Dec-18	Pending at Court
Contreras & Metelica, PA	Sevilla, Jose Miguel	LL434153	200 University Ave. W.	St. Paul	MN	55103	06-Sep-18	Complete
Contreras & Metelica, PA	Sevilla, Jose Miguel	LL434153	200 University Ave. W.	St. Paul	MN	55103	06-Sep-18	Pending at Court
Contreras & Metelica, PA	Jawal, Anu	O0554597	200 University Ave W	Saint Paul	MN	55103	11-Sep-18	Pending at Court
Contreras & Metelica, PA	Contreras Edin, Gloria Leticia	AP680575	200 University Avenue West, Suite 200	Saint Paul	MN	55103	20-Dec-18	Complete
Contreras & Metelica, PA	Contreras Edin, Gloria Leticia	AP680575	200 University Avenue West, Suite 200	Saint Paul	MN	55103	20-Dec-18	Pending at Court
Contreras & Metelica, PA	Contreras Edin, Gloria Leticia	AP680575	200 University Avenue West, Suite 200	Saint Paul	MN	55103	20-Dec-18	Complete
Contreras & Metelica, PA	Jawal, Anu	O0554597	200 University Ave W	Saint Paul	MN	55103	17-Jul-18	Pending at Court
Contreras & Metelica, PA	Jawal, Anu	O0554597	200 University Ave W	Saint Paul	MN	55103	17-Jul-18	Complete
Contreras & Metelica, PA	Payne, Russell	NW000887	200 University Avenue West	Saint Paul	MN	55103	23-Apr-19	Pending at Court
Contreras & Metelica, P.A.	Ratkowski, Nicholas	OD113705	200 University Avenue W	Saint Paul	MN	55103	10-Dec-19	Complete
Contreras & Metelica, P.A.	Gandara Kramer, Alexandra Justine	1344601	200 University Ave. W. Ste. 200	Saint Paul	MN	55413	02-Mar-20	Complete
Contreras & Metelica, P.A.	Gandara Kramer, Alexandra Justine	1344601	200 University Ave. W. Ste. 200	Saint Paul	MN	55413	02-Mar-20	Complete
Contreras & Metelica, PA	Jawal, Anu	O0554597	200 University Ave W	Saint Paul	MN	55103	16-Mar-20	Complete
Contreras & Metelica, PA	Jawal, Anu	O0554597	200 University Ave W	Saint Paul	MN	55103	16-Mar-20	Pending at Court
Contreras & Metelica, PA	Jawal, Anu	O0554597	200 University Ave W	Saint Paul	MN	55103	16-Mar-20	Complete
Contreras & Metelica, PA	Jawal, Anu	O0554597	200 University Ave W	Saint Paul	MN	55103	16-Mar-20	Pending at Court
Contreras & Metelica, PA	Jawal, Anu	O0554597	200 University Ave W	Saint Paul	MN	55103	18-Aug-19	Complete
Contreras & Metelica, PA	Jawal, Anu	O0554597	200 University Ave W	Saint Paul	MN	55103	18-Aug-19	Pending at Court
Contreras & Metelica, PA	Jawal, Anu	O0554597	200 University Ave W	Saint Paul	MN	55103	18-Aug-19	Complete
Contreras & Metelica, PA	Jawal, Anu	O0554597	200 University Ave W	Saint Paul	MN	55103	11-Dec-19	Pending at Court
Contreras & Metelica, PA	Contreras Edin, Gloria Leticia	AP680575	200 University Avenue West, Suite 200	Saint Paul	MN	55103	23-Jul-19	Pending at Court
Contreras & Metelica, P.A.	Metelica, Magdalena Bozema	FZ128181	200 University Avenue West, Suite 200	Saint Paul	MN	55103	23-Dec-19	Complete
Contreras & Metelica, P.A.	Metelica, Magdalena Bozema	FZ128181	200 University Avenue West, Suite 200	Saint Paul	MN	55103	23-Dec-19	Pending at Court
Contreras & Metelica, P.A.	Metelica, Magdalena Bozema	FZ128181	200 University Avenue West, Suite 200	Saint Paul	MN	55103	27-Mar-20	Pending at Court
Contreras & Metelica, P.A.	Gandara Kramer, Alexandra Justine	1344601	200 University Ave. W. Ste. 200	Saint Paul	MN	55413	08-Feb-20	Pending at Court
Contreras & Metelica, P.A.	Gandara Kramer, Alexandra Justine	1344601	200 University Ave. W. Ste. 200	Saint Paul	MN	55413	08-Feb-20	Complete
Contreras & Metelica	Shaw, Mary Kathleen	80606726	200 University Ave West	Saint Paul	MN	55103	23-Mar-20	Complete
Contreras & Metelica	Shaw, Mary Kathleen	80606726	200 University Ave West	Saint Paul	MN	55103	23-Mar-20	Pending at Court
Contreras & Metelica	Shaw, Mary Kathleen	80606726	200 University Ave West	Saint Paul	MN	55103	23-Mar-20	Complete
Contreras & Metelica	Shaw, Mary Kathleen	80606726	200 University Ave West	Saint Paul	MN	55103	23-Mar-20	Pending at Court
Contreras & Metelica	Shaw, Mary Kathleen	80606726	200 University Ave West	Saint Paul	MN	55103	23-Mar-20	Complete
Contreras & Metelica, PA	Ratkowski, Nicholas	OD113705	200 University Avenue W	Saint Paul	MN	55103	23-Mar-20	Pending at Court
Contreras & Metelica, P.A.	Gandara Kramer, Alexandra Justine	1344601	200 University Ave. W. Ste. 200	Saint Paul	MN	55413	26-Mar-20	Pending at Court
Contreras & Metelica, P.A.	Gandara Kramer, Alexandra Justine	1344601	200 University Ave. W. Ste. 200	Saint Paul	MN	55413	10-Feb-20	Pending at Court
Contreras & Metelica, P.A.	Contreras Edin, Gloria Leticia	AP680575	200 University Avenue West, Suite 200	Saint Paul	MN	55103	11-Sep-19	Pending at Court
Contreras & Metelica, P.A.	Contreras Edin, Gloria Leticia	AP680575	200 University Avenue West, Suite 200	Saint Paul	MN	55103	11-Sep-19	Pending at Court
Contreras & Metelica, P.A.	Contreras Edin, Gloria Leticia	AP680575	200 University Avenue West, Suite 200	Saint Paul	MN	55103	11-Sep-19	Pending at Court
Contreras & Metelica, P.A.	Metelica, Magdalena Bozema	FZ128181	200 University Avenue West, Suite 200	Saint Paul	MN	55103	20-Feb-20	Pending at Court
Contreras & Metelica, PA	Jawal, Anu	O0554597	200 University Ave W	Saint Paul	MN	55103	24-Jan-20	Pending at Court
Contreras & Metelica, PA	Metelica, Magdalena Bozema	FZ128181	200 University Avenue West, Suite 200	Saint Paul	MN	55103	06-Jun-19	Pending at Court
Contreras & Metelica, PA	Metelica, Magdalena Bozema	FZ128181	200 University Avenue West, Suite 200	Saint Paul	MN	55103	23-Feb-19	Pending at Court
Contreras & Metelica, PA	Contreras Edin, Gloria Leticia	AP680575	200 University Avenue West, Suite 200	Saint Paul	MN	55103	21-Feb-20	Complete
Contreras & Metelica, PA	Contreras Edin, Gloria Leticia	AP680575	200 University Avenue West, Suite 200	Saint Paul	MN	55103	21-Feb-20	Pending at Court
Contreras & Metelica, PA	Dhawan, Brijendra Surya Eter	YV961555	200 University Avenue West	St. Paul	MN	55103	23-Jan-20	Pending at Court
Contreras & Metelica, PA	Dhawan, Brijendra Surya Eter	YV961555	200 University Avenue West	St. Paul	MN	55103	23-Jan-20	Complete
Contreras & Metelica, PA	Brown, Hannah	E1181377	200 University Ave. W.	St. Paul	MN	55103	10-Jun-19	Complete
Contreras & Metelica, P.A.	Metelica, Magdalena Bozema	FZ128181	200 University Avenue West, Suite 200	Saint Paul	MN	55103	31-May-19	Complete
Contreras & Metelica, P.A.	Metelica, Magdalena Bozema	FZ128181	200 University Avenue West, Suite 200	Saint Paul	MN	55103	31-May-19	Pending at Court
Contreras & Metelica	Shaw, Mary Kathleen	80606726	200 University Ave West	Saint Paul	MN	55103	30-Mar-20	Complete
Contreras & Metelica	Shaw, Mary Kathleen	80606726	200 University Ave West	Saint Paul	MN	55103	30-Mar-20	Pending at Court
Contreras & Metelica, PA	Jawal, Anu	O0554597	200 University Ave W	Saint Paul	MN	55103	25-Jun-19	Pending at Court
Contreras & Metelica, PA	Jawal, Anu	O0554597	200 University Ave W	Saint Paul	MN	55103	04-Jun-19	Complete
Contreras & Metelica, P.A.	Metelica, Magdalena Bozema	FZ128181	200 University Avenue West, Suite 200	Saint Paul	MN	55103	03-Feb-20	Complete
Contreras & Metelica, P.A.	Metelica, Magdalena Bozema	FZ128181	200 University Avenue West, Suite 200	Saint Paul	MN	55103	03-Feb-20	Pending at Court
Contreras & Metelica, P.A.	Contreras Edin, Gloria Leticia	AP680575	200 University Avenue West, Suite 200	Saint Paul	MN	55103	03-Feb-20	Pending at Court
Contreras & Metelica, P.A.	Contreras Edin, Gloria Leticia	AP680575	200 University Avenue West, Suite 200	Saint Paul	MN	55103	03-Feb-20	Pending at Court
Contreras & Metelica, P.A.	Metelica, Magdalena Bozema	FZ128181	200 University Avenue West, Suite 200	Saint Paul	MN	55103	24-Feb-20	Pending at Court
Contreras & Metelica, P.A.	Contreras Edin, Gloria Leticia	AP680575	200 University Avenue West, Suite 200	Saint Paul	MN	55103	20-Mar-20	Pending at Court
Contreras & Metelica, P.A.	Metelica, Magdalena Bozema	FZ128181	200 University Avenue West, Suite 200	Saint Paul	MN	55103	24-Feb-20	Pending at Court
Contreras & Metelica, P.A.	Contreras Edin, Gloria Leticia	AP680575	200 University Avenue West, Suite 200	Saint Paul	MN	55103	20-Mar-20	Pending at Court
Contreras & Metelica, P.A.	Metelica, Magdalena Bozema	FZ128181	200 University Avenue West, Suite 200	Saint Paul	MN	55103	11-Jun-19	Complete
Contreras & Metelica, P.A.	Brown, Hannah	E1181377	200 University Ave. W.	St. Paul	MN	55103	04-Sep-19	Pending at Court
Contreras & Metelica	Shaw, Mary Kathleen	80606726	200 University Ave West	Saint Paul	MN	55103	17-Mar-20	Complete
Contreras & Metelica	Shaw, Mary Kathleen	80606726	200 University Ave West	Saint Paul	MN	55103	17-Mar-20	Complete
Contreras & Metelica, PA	Contreras Edin, Gloria Leticia	AP680575	200 University Avenue West, Suite 200	Saint Paul	MN	55103	25-Oct-19	Complete
Contreras & Metelica, PA	Contreras Edin, Gloria Leticia	AP680575	200 University Avenue West, Suite 200	Saint Paul	MN	55103	29-Aug-19	Complete
Contreras & Metelica, PA	Contreras Edin, Gloria Leticia	AP680575	200 University Avenue West, Suite 200	Saint Paul	MN	55103	16-Feb-20	Pending at Court
Contreras & Metelica, PA	Contreras Edin, Gloria Leticia	AP680575	200 University Avenue West, Suite 200	Saint Paul	MN	55103	10-Feb-20	Pending at Court
Contreras & Metelica, PA	Contreras Edin, Gloria Leticia	AP680575	200 University Avenue West, Suite 200	Saint Paul	MN	55103	10-Feb-20	Pending at Court
Contreras & Metelica, P.A.	Metelica, Magdalena Bozema	FZ128181	200 University Avenue West, Suite 200	Saint Paul	MN	55103	09-Dec-19	Pending at Court
Contreras & Metelica, P.A.	Metelica, Magdalena Bozema	FZ128181	200 University Avenue West, Suite 200	Saint Paul	MN	55103	09-Dec-19	Pending at Court
Contreras & Metelica, P.A.	Metelica, Magdalena Bozema	FZ128181	200 University Avenue West, Suite 200	Saint Paul	MN	55103	09-Dec-19	Pending at Court
Contreras & Metelica, P.A.	Metelica, Magdalena Bozema	FZ128181	200 University Avenue West, Suite 200	Saint Paul	MN	55103	25-Nov-19	Pending at Court

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Contreras & Metelska, PA	Jaswal, Anu	00554597	200 University Ave W	Saint Paul	MN	55103	26-Sep-19	Complete
Contreras & Metelska, PA	Contreras Edin, Gloria Leticia	AP680575	200 University Avenue West, Suite 200	Saint Paul	MN	55103	10-Feb-20	Pending at Court
Contreras & Metelska, P.A.	Ratkowski, Nicholas	DD131705	200 University Avenue W.	Saint Paul	MN	55103	07-Oct-19	Pending at Court
Contreras & Metelska, P.A.	Ratkowski, Nicholas	DD131705	200 University Avenue W.	Saint Paul	MN	55103	09-Dec-19	Pending at Court
Contreras & Metelska	Shaw, Mary Kathleen	B8066726	200 University Ave West	Saint Paul	MN	55103	06-Jan-20	Pending at Court
Contreras & Metelska, P.A.	Metelska, Magdalena Bozena	FK289181	200 University Avenue West, Suite 200	Saint Paul	MN	55103	06-Jan-20	Pending at Court
Contreras & Metelska, PA	Contreras Edin, Gloria Leticia	AP680575	200 University Avenue West, Suite 200	Saint Paul	MN	55103	09-Jan-20	Complete
Contreras & Metelska	Shaw, Mary Kathleen	B8066726	200 University Ave West	Saint Paul	MN	55103	06-Jan-20	Complete
Contreras & Metelska, P.A.	Metelska, Magdalena Bozena	FK289181	200 University Avenue West, Suite 200	Saint Paul	MN	55103	20-Feb-20	Pending at Court
Contreras & Metelska, PA	Contreras Edin, Gloria Leticia	AP680575	200 University Avenue West, Suite 200	Saint Paul	MN	55103	23-Mar-20	Pending at Court
Contreras & Metelska, P.A.	Metelska, Magdalena Bozena	FK289181	200 University Avenue West, Suite 200	Saint Paul	MN	55103	21-Apr-20	Pending at Court
Contreras & Metelska, PA	Jaswal, Anu	00554597	200 University Ave W	Saint Paul	MN	55103	29-Aug-19	Pending at Court
Contreras & Metelska, P.A.	Brown, Hannah	EE181377	200 University Ave. W.	St. Paul	MN	55103	11-Dec-18	Pending at Court
Contreras & Metelska, P.A.	Brown, Hannah	EE181377	200 University Ave. W.	St. Paul	MN	55103	11-Dec-18	Pending at Court
Contreras & Metelska, PA	Jaswal, Anu	00554597	200 University Ave W	Saint Paul	MN	55103	27-Aug-19	Pending at Court
Contreras & Metelska, PA	Jaswal, Anu	00554597	200 University Ave W	Saint Paul	MN	55103	27-Aug-19	Pending at Court
Contreras & Metelska, P.A.	Brown, Hannah	EE181377	200 University Ave. W.	St. Paul	MN	55103	03-Sep-19	Pending at Court
Contreras & Metelska, PA	Jaswal, Anu	00554597	200 University Ave W	Saint Paul	MN	55103	27-Aug-19	Pending at Court
Contreras & Metelska, P.A.	Brown, Hannah	EE181377	200 University Ave. W.	St. Paul	MN	55103	03-Sep-19	Pending at Court
Contreras & Metelska, PA	Jaswal, Anu	00554597	200 University Ave W	Saint Paul	MN	55103	27-Aug-19	Pending at Court
Contreras & Metelska, P.A.	Brown, Hannah	EE181377	200 University Ave. W.	St. Paul	MN	55103	27-Mar-19	Pending at Court
Contreras & Metelska, P.A.	Metelska, Magdalena Bozena	FK289181	200 University Avenue West, Suite 200	Saint Paul	MN	55103	03-Oct-19	Pending at Court
Contreras & Metelska, PA	Contreras Edin, Gloria Leticia	AP680575	200 University Avenue West, Suite 200	Saint Paul	MN	55103	25-Jun-18	Pending at Court
Contreras & Metelska, PA	Payne, Russell	NM500867	200 University Avenue West	Saint Paul	MN	55103	07-Mar-19	Pending at Court
Contreras & Metelska, PA	Contreras Edin, Gloria Leticia	AP680575	200 University Avenue West, Suite 200	Saint Paul	MN	55103	18-Jun-18	Pending at Court
Contreras & Metelska, P.A.	Ratkowski, Nicholas	DD131705	200 University Avenue W.	Saint Paul	MN	55103	16-Jan-20	Pending at Court
Contreras & Metelska, PA	Contreras Edin, Gloria Leticia	AP680575	200 University Avenue West, Suite 200	Saint Paul	MN	55103	14-Dec-18	Pending at Court
Contreras & Metelska, PA	Contreras Edin, Gloria Leticia	AP680575	200 University Avenue West, Suite 200	Saint Paul	MN	55103	14-Dec-18	Pending at Court
Contreras & Metelska, P.A.	Jaswal, Anu	00554597	200 University Ave W	Saint Paul	MN	55103	07-Mar-19	Pending at Court
Contreras & Metelska, PA	Jaswal, Anu	00554597	200 University Ave W	Saint Paul	MN	55103	26-Sep-19	Pending at Court
Contreras & Metelska, P.A.	Metelska, Magdalena Bozena	FK289181	200 University Avenue West, Suite 200	Saint Paul	MN	55103	26-Feb-19	Complete
Contreras & Metelska, P.A.	Metelska, Magdalena Bozena	FK289181	200 University Avenue West, Suite 200	Saint Paul	MN	55103	26-Feb-19	Pending at Court

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Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

Patricia M. Vroom, a single woman,

Plaintiff,

v.

Jeh Johnson, Secretary, United States
Department of Homeland Security,

Defendant.

) Case No. CIV

) **COMPLAINT**

) **(Jury Trial Demanded)**

Plaintiff, by and through counsel, for her Complaint against Defendant, alleges:

INTRODUCTION

Plaintiff is a 59-year-old woman. She has been an attorney in the United States Government for 30 years, the last 26 of which have been with U.S. Immigration and Customs Enforcement (ICE) and its predecessor agency, the U.S. Immigration & Naturalization

1 Service (INS). Plaintiff has had a stellar career with these two agencies, having earned
2 Outstanding ratings year in and year out, as well as numerous awards, including twice
3 receiving the “District Counsel of the Year Award.”

4
5 In January 2013, Plaintiff was honored with a Department of Homeland Security
6 (DHS) Office of General Counsel “Award of Excellence,” as a member of the DHS team that
7 worked behind the scenes on the “Arizona Litigation,” a lawsuit against the State of Arizona
8 challenging the infamous Arizona immigration law known as “S.B. 1070,” giving rise to the
9 U.S. Supreme Court decision in favor of the federal government in *Arizona v. U.S.*, 132 S. Ct.
10 2492 (2012). In May, 2014, Plaintiff and her counterpart in ICE Enforcement and Removal
11 Operations in Arizona were honored by the Immigration Section of the Arizona State Bar
12 with one of two annual awards the organization gives, for their joint implementation of
13 former ICE Director John Morton’s Prosecutorial Discretion Initiatives.

14
15 Plaintiff has been an attorney-manager since 1990, when she was selected for the
16 position of Deputy District Counsel in Phoenix, and she was later promoted to Phoenix
17 District Counsel in 1994. In this capacity, Plaintiff managed five offices of attorneys in the
18 two states of Arizona and Nevada. After the tragic events of September 11, 2001, the federal
19 agencies dealing with “homeland security” underwent a massive reorganization by Congress.
20 In March 2003, the Department of Homeland Security was formed from 22 agencies pulled
21 from various departments, including the Department of Justice (where the INS had resided)
22 and the Department of the Treasury (where the U.S. Customs Service had resided). U.S.
23 Immigration and Customs Enforcement assumed the responsibilities and authorities
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1 associated with Immigration enforcement in the interior of the United States, as well as the
2 responsibilities and authorities associated with significant aspects of Customs enforcement.

3 With the stand-up of ICE, Plaintiff's position transitioned from INS District Counsel
4 for Phoenix to become ICE Chief Counsel of the newly-created Arizona Area-of-
5 Responsibility (AOR), comprising the state of Arizona. In this capacity, Plaintiff has
6 managed four offices across the state, with what would eventually be a total of 38 attorneys
7 daily appearing on behalf of the U.S. government in immigration court in a total of 13
8 immigration courtrooms in the four locations.
9

10 Plaintiff has also been responsible for providing legal advice to the two operational
11 programs in ICE in Arizona – the Field Office Director (FOD) of the Office of Enforcement
12 and Removal Operations (ERO – the deportation branch), and the Special Agent in Charge
13 (SAC) of Homeland Security Investigations in ICE in Arizona (HSI – the criminal
14 investigations branch). Plaintiff has also provided litigation support to the U.S. Attorney's
15 Office for the District of Arizona.
16

17 Over the years, Plaintiff enjoyed a sterling reputation among the almost 1,000 ICE
18 attorneys and across ICE and DHS, and with Department of Justice (DOJ). Plaintiff has had
19 an outstanding relationship with her Special Agent in Charge and her Field Office Director.
20 Plaintiff has often been tapped to participate in and chair ICE Office of the Principal Legal
21 Advisor (OPLA) strategic planning working groups and to serve in high profile temporary
22 positions. This was particularly true throughout 2011, when she was twice detailed by the
23 Principal Legal Advisor to OPLA Headquarters (HQ) to serve in the Senior Executive
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1 Service position of Director of Enforcement and Litigation, for a total of seven weeks in the
2 winter and spring of that year.

3 In 2011, Plaintiff was also appointed lead negotiator for ICE in the mediation
4 associated with the *Franco-Gonzalez* class action federal lawsuit filed in the U.S. District
5 Court for the Central District of California (Los Angeles) by a network of legal rights
6 organizations on behalf of mentally incompetent individuals in ICE custody in the states of
7 California, Washington, and Arizona. To fulfill this function, Plaintiff travelled to Los
8 Angeles, California, to participate in the mediation and to ICE HQ to attend high-level
9 meetings about the case at the Department of Justice with the Executive Office for
10 Immigration Review, the DHS Office of General Counsel, and the DOJ Office of
11 Immigration Litigation.
12
13

14 I. NATURE OF CLAIM

15 1. This is a proceeding for damages against Defendant Jeh Johnson, Secretary of the
16 United States Department of Homeland Security, to redress the deprivation of rights secured to
17 the Plaintiff by Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e *et seq.* and the Age
18 Discrimination in Employment Act of 1967, as amended, 29 U.S.C. §621.
19

20 II. JURISDICTION

21 2. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§1331 and
22 1343(4) and pursuant to The Civil Rights Act of 1964 (Title VII), as amended and modified,
23 42 U.S.C. §§2000e *et seq.*, and the Age Discrimination in Employment Act of 1967 (ADEA),
24 as amended and modified, 29 U.S.C. §§621 *et seq.*
25

III. VENUE

3. Based on 28 U.S.C. §1391, Title VII and the ADEA, venue is proper because the acts detailed in this Complaint occurred within the State of Arizona and the jurisdiction of this Court.

IV. PROCEDURAL REQUIREMENTS

4. Pursuant to 29 C.F.R. §§1614.105 and 1614.204, Plaintiff made initial contact with an EEO Counselor on November 18, 2013 regarding allegations of discrimination on the basis of sex (female) and age (DOB: 1955) and a hostile work environment. Plaintiff requested mediation of her complaint. Mediation did not result in resolution, and pursuant to 29 C.F.R. §1614.204(c), Plaintiff filed a formal complaint on April 4, 2014, Case HS-ICE-00216-2014. The Agency accepted the Complaint for investigation on June 6, 2014. A Report of Investigation was issued by Bashen Corporation on or about September 29, 2014. Because more than 180 days has passed from her filing her formal Complaint, Plaintiff may proceed with filing this civil action. Plaintiff had therefore filed a timely Complaint and satisfied all procedural requirements necessary to bring this action.

V. PARTIES

5. Plaintiff Patricia Vroom is a female over the age of 40, has been employed by the U.S. Immigration & Naturalization Service since 1988 and its successor agency, U.S. Immigration and Customs Enforcement, an agency of the Department of Homeland Security, since its formation on March 1, 2003, and at the time of the events hereinafter described, was and is a Chief Counsel, Office of the Principal Legal Advisor (OPLA) in Phoenix, Arizona.

6. Defendant Jeh Johnson is the Secretary, Department of Homeland Security.

7. The Department of Homeland Security is an employer of 20 or more employees and is therefore defined as an “employer” with respect to Title VII of the Civil Rights Act (42 U.S.C. §2000e, *et seq.*) and the Age Discrimination in Employment Act, (29 USC §621, *et seq.*).

VI. FACTUAL ALLEGATIONS COMMON TO ALL CLAIMS

A. The Precipitous Decline In Performance Ratings

8. At the end of the 2010 – 2011 performance rating year, Plaintiff received a rating commensurate with the Outstanding ratings she had always achieved in the past. This was the **highest** rating of any of the 26 Chief Counsel in ICE that year – **4.94** on a scale of **5.0**. Comments from Plaintiff’s supervisors in the mid-term progress review on May 16, 2011 included the following: “[Plaintiff was] handpicked to serve as ICE’s lead negotiator on the *Franco* litigation... It would be difficult to overstate the importance of the *Franco* litigation, which deals with the issue of aliens in proceedings who have mental competency issues. The potential results of the litigation are far reaching; both DHS and DOJ are concerned about this at the highest levels. [Plaintiff’s] work has received praise from Assistant Secretary [ICE Director] John Morton. At a recent Division Chief’s meeting PLA Peter Vincent stated that when he discussed the *Franco* negotiations, A/S Morton gave [her] an unequivocal vote of confidence and stated ‘Pat is one of our superstars.’”

9. Comments from the Plaintiff’s end-of-year appraisal, dated December 9, 2011, authored by Director of Field Legal Operations, Jim Stolley, as “Rating Official,” and Deputy Principal Legal Advisor Riah Ramlogan, as “Reviewing Official,” included the following: “[Plaintiff has] a well-earned reputation throughout OPLA, [she is] respected by [her]

1 colleagues and [her] advice and judgment are valued by the senior management of the
2 agency.”

3 10. A mere two years later, on November 15, 2013, at the end of the 2012 – 2013
4 performance rating year, Plaintiff received the **lowest** rating of any of the 12 Chief Counsel
5 rated by Field Legal Operations (FLO) Deputy Director - West, Sarah Hartnett, **3.53** on a
6 scale of **5.0**. Indeed, Plaintiff’s was one of the lowest ratings of all 26 Chief Counsel in the
7 country for that year. The narrative in the Plaintiff’s 2013 mid-year progress review, dated
8 May 8, 2013, and issued by Plaintiff’s supervisor, FLO Deputy Director Hartnett, was replete
9 with the language of ageism. The rating purported to document the sudden and unexplained
10 decline of a “superstar” of OPLA to the status of a doddering has-been who resisted progress,
11 who could not understand instructions, and who could not adapt to change.
12

13 11. Key words in Ms. Hartnett’s review of Plaintiff’s performance at the mid-year
14 included the following: “[Plaintiff has engaged in] inefficient practices,” “failure to adapt,”
15 “struggled with embracing new goals and initiatives of ICE Senior leadership.” “[Plaintiff]
16 also continued with previous inefficient practices until instructed otherwise,” “[Plaintiff]
17 continued to handle JMTRs as [she] had in the past and pushed back on changing...”
18 “[Plaintiff’s] office has struggled with managing [her] dockets in line with agency priorities
19 and has spent unnecessary resources on cases that were eventually administratively closed...”
20 “When [Plaintiff was] instructed to exercise discretion most recently on cases specific to
21 Arizona, [Plaintiff] struggled to grasp this initiative and as such [Plaintiff’s] client also
22 struggled to embrace this OPLA initiative.” “[Plaintiff] should understand the pressures and
23 requirement of HQ and understand that responsiveness in the field is imperative.”
24
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1 12. At the end of the year, Plaintiff's final appraisal, dated November 15, 2013,
2 followed the same pattern, reflecting blatant ageism. Key words in the final appraisal
3 included: "[Plaintiff's] office has not fully embraced the goal of finding innovative solutions
4 to strategically manage your immigration dockets in line with agencies (sic) priorities and
5 also implement timely and efficient process." Regarding the Arizona Identity Theft Initiative,
6 Ms. Hartnett scolded, "[Plaintiff's] office managed over time, through much collaboration
7 with HQ, to establish an efficient and effective process to deal with these cases. While
8 [Plaintiff has] described this as an 'extremely challenging' and 'overwhelming' task, this was
9 really a simple exercise in prosecutorial discretion." "This task should have been little more
10 than routine."

11
12
13 13. Ms. Hartnett criticized Plaintiff for other alleged deficiencies, suggesting that
14 Plaintiff had outlived her productive life as a manager. The narrative stated: "The Phoenix
15 OCC needs to be more adaptable to changes in OPLA's workload." "At the end of the rating
16 cycle, [Plaintiff's] office had yet to implement other docket efficiencies to strategically
17 manage (sic) [Plaintiff's] docket;" "it was clear at the end of the rating cycle, after another
18 case from the Tucson docket [W-] was brought to HQ's attention, that [Plaintiff's] staff has
19 not embraced prosecutorial discretion." "This too is reflective of a lack of adaptability in
20 your office." This precipitous drop in Plaintiff's performance appraisal ratings did not happen
21 in a vacuum. Rather, it was part of an orchestrated, coordinated effort by Principal Legal
22 Advisor Peter Vincent and his close circle of subordinate executives and managers to purge
23 OPLA of senior Chief Counsel so that much younger, much less experienced, and thus much
24
25

1 more impressionable individuals who were beholden to them, could be installed in their
2 place.

3 **B. The Purge of Senior Chief Counsel**

4
5 14. Plaintiff was just the most recent target of this coordinated scheme, directed by
6 Principal Legal Advisor Peter Vincent and Deputy Principal Legal Advisor Riah Ramlogan,
7 and carried out with relentless precision by what would become the three Field Legal
8 Operations (FLO) managers – Director Stolley, and Deputy Directors Hartnett and Downer.
9 Starting shortly after Peter Vincent became Principal Legal Advisor in May 2009, senior
10 Chief Counsel after senior Chief Counsel began being targeted for harassment, reassignment
11 of duties to much less desirable ones, public humiliation, and brutal scape-goating. The
12 pattern became very clear – individuals who were at or close to retirement eligibility were
13 subjected to increasingly frequent harsh treatment by OPLA senior leadership, gradually
14 chipping away at their self-esteem and the fine reputations they had earned over the years,
15 and then, as they started to succumb to the pressure, the FLO managers would step up the
16 momentum and severity of the pressure to finish the job.
17

18
19 15. Principal Legal Advisor (PLA) Vincent and Deputy Principal Legal Advisor
20 Ramlogan and the FLO managers became more and more brazen in their use of various
21 prohibited personnel practices, such as placing their close friends into key positions without
22 announcement or competition, and abusing the performance appraisal system by either
23 artificially inflating ratings to justify awards and favorable personnel decisions that were not
24 warranted, or by artificially deflating ratings to justify adverse personnel decisions that were
25 not warranted.

1 16. PLA Vincent and his compatriots took the long view – plotting out strategies
2 that would sometimes take years to fully execute, focusing their pernicious attentions on only
3 one or two senior Chief Counsel at a time, letting the others, including Plaintiff, believe they
4 were safe and on good terms with “Senior Leadership,” so as to “divide and conquer,” until it
5 was their turn. In June 2009, immediately after he received the political appointment to the
6 top position in the legal program of ICE, Peter Vincent brought his close friend and former
7 supervisor, San Francisco Deputy Chief Counsel Jim Stolley, to Washington to serve in an
8 acting capacity as his Chief of Staff. Until he was appointed Principal Legal Advisor, Peter
9 Vincent had never had any experience as a manager. Peter Vincent had never before even
10 been a supervisor.
11

12
13 17. A few months later, when the retirement-eligible Los Angeles Chief Counsel
14 was forced to step down from his chief counsel position, Mr. Vincent quickly installed Mr.
15 Stolley as Los Angeles Chief Counsel. The Los Angeles Chief Counsel position was at the
16 time a GS-15 position, like all of the 26 Chief Counsel positions around the country. Mr.
17 Stolley assumed the Los Angeles Chief Counsel position on September 28, 2009. When,
18 eighteen months later, on March 11, 2011, the Los Angeles Chief Counsel position was
19 reclassified as a Senior Executive Service (SES) position, the first of what would eventually
20 be three offices to be so classified, Mr. Stolley, the incumbent, was selected for that position.
21 Once he was a member of the Senior Executive Service, Mr. Stolley was eligible to be moved
22 into other executive positions without competition. This is exactly what happened a mere six
23 months later, in September 2011, when PLA Vincent appointed him Director of Field Legal
24 Operations, responsible for all of the Chief Counsel offices across the country.
25

1 18. This would prove to be a key turning point in advancing PLA Vincent's plans
2 to purge the Chief Counsel ranks of "old" Chief Counsel, as Mr. Stolley became the primary
3 "enforcer" of the scheme. Thanks to his long-time close association with Mr. Vincent, Mr.
4 Stolley had risen, in a matter of barely two years, from Deputy Chief Counsel in San
5 Francisco, to fill one of only four Senior Executive Service positions in OPLA, managing all
6 26 Chief Counsel from OPLA HQ.

8 19. Another of PLA Vincent's "enforcers" would be Matt Downer, who was
9 initially Mr. Vincent's "Senior Advisor" and would remain a close confidant. In February
10 2010, Mr. Downer revealed to Glenda Raborn, who was serving as Acting Chief of Staff after
11 Jim Stolley had left Washington to assume the Los Angeles Chief Counsel job, "Here's the
12 playbook – you don't put things in writing, and never under-estimate the power of psy-ops."
13 Mr. Downer explained to Ms. Raborn that PLA Vincent, then-Director of Field Legal
14 Operations Riah Ramlogan, he, and Jim Stolley had come up with a 3-point plan to get rid of
15 employees, even when they did not have enough basis to fire them – 1) threaten to move
16 their position; 2) find out what they liked to do and take it all away, and find out what they
17 did not like to do and load them up with it; and 3) stay on them constantly, never giving them
18 a moment's peace. Ms. Raborn would find these principles applied to her in 2013, after she
19 had become Chief Counsel in Oakdale, Louisiana on June 21, 2010.

22 20. By May 23, 2013, Ms. Raborn would be filing an EEO complaint against Mr.
23 Stolley and Mr. Downer, after having been screamed at by Mr. Downer when she requested
24 leave to take her son to a school function, and he responded by calling her a "Fucking high-
25 maintenance single mama," among other reasons. By mid-October 2013, Ms. Raborn would

1 feel compelled to resign from her position as Oakdale Chief Counsel, after Mr. Stolley told
2 her that the Oakdale Detention Center was closing, and her position was going to be moved to
3 New Orleans, some 185 miles away. Ms. Raborn learned that, in fact, Oakdale was not
4 closing, and she confronted Mr. Stolley with this, and also told him that she wasn't able to
5 move because of family commitments. Mr. Stolley responded, "Not my problem."

6
7 21. The former Los Angeles Chief Counsel's position is a case in point. When he
8 was asked to step down by PLA Vincent from his Chief Counsel job in September 2009, PLA
9 Vincent put out a broadcast message on email to all OPLA staff announcing the long-time
10 Chief was leaving his position as Los Angeles Chief Counsel because he had "been selected
11 to serve in the newly created position of Special Counsel for Legal Affairs." The new
12 position was described in the announcement as one that would utilize "[The Los Angeles
13 Chief's] depth of experience and knowledge of immigration law [to] benefit OPLA at the
14 national level." In fact, the Los Angeles Chief's new position was to be nothing like it was
15 described, and ultimately, virtually all he was allowed to do for the next six months, until he
16 retired, was to review U.S. citizenship claims. This is work normally done by a line attorney.
17 The disingenuousness of Mr. Vincent's announcement in 2009 is evident when, in
18 announcing the former Los Angeles Chief's retirement in April 2010, his title was suddenly
19 and inexplicably changed to "Special Counsel for Field Legal Operations."

20
21
22 22. Once the Los Angeles Chief Counsel was dispatched, PLA Vincent, then-Field
23 Legal Operations Director Riah Ramlogan, and their close friends and advisors began to
24 focus their aggression on the long-time, retirement-eligible Chief Counsel in Houston.
25 Starting in August of 2010, the Houston Chief Counsel was subjected to scape-goating by

1 senior OPLA management. The pattern of the Houston Chief Counsel's fall from grace
2 would become very familiar. He was at first praised by then-FLO Director Ramlogan in
3 emails and on a Chief Counsel Conference Call for being "out front" in his embrace of ICE
4 Director Morton's June 30, 2010 landmark Prosecutorial Discretion (PD) initiative, only to
5 later be completely disowned by Ms. Ramlogan and Mr. Vincent when public criticism of the
6 initiative became intense.

8 23. The hypocrisy of the OPLA leaders was well-documented in an expose' in the
9 Houston Chronicle, after the media outlet's receipt of the response to a Freedom of
10 Information Act (FOIA) request it had made to ICE. The articles describing the Houston
11 Chief Counsel's betrayal and documents released under FOIA that support that conclusion
12 can be viewed: <http://www.chron.com/news/houston-texas/article/Report-Feds-downplayed-ICE-case-dismissals-2080532.php>.

15 24. When the Houston Chief Counsel shared with Ms. Ramlogan the office
16 protocol he had created to comply with then-ICE Director Morton's PD directive on August
17 10, 2010, she responded the same day, praising him, saying, "Outstanding, I would like
18 you to talk about this on our next Chief Counsel call which will likely not be until August 19.
19 I really appreciate your efforts." The Houston Chief did speak on the Chief Counsel Call, for
20 20 minutes, and Ms. Ramlogan told everyone on the call, "You all see what [the Houston
21 Chief Counsel] is doing – he's being proactive." However, when the first Houston Chronicle
22 article hit on August 26, 2010, Ms. Ramlogan scrambled to distance herself from the Houston
23 Chief Counsel's protocol and to discredit him. The minutes for the Chief Counsel Call were
24 purged of any reference to the Houston Chief's presentation or Ms. Ramlogan's praise for his
25

1 plan. Indeed, Ms. Ramlogan ordered the Houston Chief Counsel to rescind the protocol.
2 From this point on, he was made to feel uncomfortable and unwelcome by Mr. Vincent and
3 Ms. Ramlogan. The Houston Chief Counsel was detailed to HQ for 30 days in January 2011,
4 and quickly realized he was being set up to fail. This was confirmed at the end of the detail
5 when the Houston Chief was called to a meeting with Mr. Vincent, Ms. Ramlogan, and
6 others, and Mr. Vincent screamed at him in a manner that another senior OPLA executive
7 described to Plaintiff as “so excruciating that even Riah looked uncomfortable.” Seeing the
8 writing on the wall, the Houston Chief Counsel would decide to retire after this meeting, and
9 did retire a few months later, on July 1, 2011. A much younger individual was selected to
10 take his place. Her name was Sabrina Gray. Ms. Gray became Houston Chief Counsel on
11 June 30, 2011.

14 25. By September 23, 2013, Ms. Gray would be filing an EEO complaint against
15 Mr. Vincent, Ms. Ramlogan, Mr. Stolley, Mr. Downer and Ms. Hartnett, for sex
16 discrimination, another prohibited pattern and practice of the OPLA senior leadership. Ms.
17 Gray’s complaint was prompted by, among other abusive treatment, the FLO managers
18 threatening to place her on a “Performance Improvement Plan” on a conference call convened
19 by the three of them only four days after her return from maternity leave. Focused on the need
20 to care for her small baby, and unable to endure the extreme stress of continuing to deal with
21 Mr. Stolley, Mr. Downer, and Ms. Hartnett as her supervisors, Ms. Gray reluctantly settled
22 her EEO complaint on March 26, 2014. Ms. Gray agreed to step down from her Chief
23 Counsel position in order to escape the abusive chain of command of Mr. Stolley, Mr.
24 Downer, and Ms. Hartnett. Mr. Vincent, Mr. Ramlogan, and Mr. Stolley would soon replace

1 Ms. Gray as Houston Chief Counsel with one of the key perpetrators of the discrimination
2 Ms. Gray had been forced to endure, Ms. Hartnett.

3 26. The next target for the orchestrated campaign to rid OPLA of senior Chief
4 Counsel was San Diego Chief Counsel Martin Soblick, another long-time, retirement-eligible
5 Chief Counsel. Despite a career marked by outstanding ratings and accolades, Chief Counsel
6 Soblick suddenly found himself on the receiving end of unduly harsh treatment by the FLO
7 managers and Ms. Ramlogan and Mr. Vincent. Mr. Soblick and two of his three deputies
8 were summoned to Washington, D.C. with one day's notice to a meeting with PLA Vincent
9 on October 4, 2012, where the Principal Legal Advisor treated Chief Counsel Soblick like a
10 misbehaving child in front of his deputies and his entire chain of command, harshly
11 chastising him for his office's handling of two cases. Chief Counsel Soblick told Plaintiff
12 that the tone of the encounter felt more like an inquisition than a professional meeting. Chief
13 Counsel Soblick decided as he left the meeting that he would retire as soon as he could.
14 When he did retire, at the end of the year, he was replaced by a much younger male, who had
15 been Deputy Chief Counsel in Los Angeles under Jim Stolley.

18 **C. Plaintiff Becomes The Next Chief Counsel Target**

19 27. Despite Mr. Vincent pleading with Plaintiff during one of her details to OPLA
20 HQ in the Spring and Summer of 2011 to serve as Acting Director of Enforcement and
21 Litigation, "Am I correct in my assumption that there is nothing we could do to persuade you
22 to leave Arizona and come to Washington?" Plaintiff would soon find herself the next "long-
23 time Chief Counsel" to be targeted by Mr. Vincent, Ms. Ramlogan, Mr. Stolley and his
24 deputies. In late 2011, Plaintiff started to become victim to inappropriately harsh treatment -
25

1 first delivered by Deputy Principal Legal Advisor Riah Ramlogan. Having always previously
2 been accorded respectful treatment by her supervisors, Plaintiff felt justified to complain to
3 her new supervisor, FLO Director Jim Stolley, when she was publicly humiliated and
4 ridiculed by Ms. Ramlogan in a meeting of all of the Chief Counsel in Washington, D.C. in
5 the first week of December 2011. In response to her complaint, Mr. Stolley reassured
6 Plaintiff, in a December 7, 2011 email, “You are a cheerleader and a can-do trouper for
7 OPLA. Please don’t let Riah’s occasional snaps (to the one CC who always has her hand
8 raised!) get to you. She relies on you enormously, as do I. We are always less polite with the
9 people we hold closest. Remember that. Safe travels.”

11
12 28. Ms. Ramlogan, too, issued an effusive apology to Plaintiff in an email on
13 December 9, 2011: “I did not want too much time to pass before I apologized to you for
14 cutting you off on the full service law firm discussion. As usual I committed myself to
15 engage in too many things and realized that I would not have time to adequately deal with
16 any of them. Because you and I have had many talks about these matters and because I know
17 that I can always call you to get your frank perspective, I wanted to spend the limited time I
18 had hearing from folks who are less verbal and shier. In doing so, I was unbelievably rude to
19 you and for that I apologize. If I have not said this before, I want you to know that I have the
20 utmost respect for you. If circumstances were different, you could easily be my boss and
21 would likely be doing a better job than I am doing. Please forgive me. I hope that by the
22 time we chat next week we can put this behind us. I hope you enjoy your weekend. Your
23 friend, first and foremost.”
24
25

1 29. On December 24, 2011, Plaintiff received an email from ICE then-Deputy
2 Director Kumar Kibble, addressed to Plaintiff, then-Arizona FOD Katrina Kane, and SAC
3 Matt Allen. PLA Vincent and DPLA Ramlogan were copied. Deputy Director Kibble wrote:
4 “Katrina, Matt and Pat, You three set the standard for collaboration among the components in
5 the field. It’s been a privilege for me to witness the way you cover each others’ backs
6 throughout the past year. I want to thank you for your teamwork under difficult
7 circumstances that are often featured in the harsh glare of the spotlight ... the rest of us have a
8 lot to learn from you three about building Team ICE.”
9

10 30. Nevertheless, between December 2011 and November 18, 2013, when Plaintiff
11 filed her informal EEO complaint, Plaintiff was subjected to relentless bullying and
12 harassment by Director Stolley, who was Plaintiff’s rating official from early September 2011
13 until April 26, 2012; Sarah Hartnett, who was selected for the position of Deputy Director of
14 Field Legal Operations – West in March 2012, without the position having been announced
15 and without competition, and who became Plaintiff’s supervisor and rating official
16 immediately thereafter; and Matt Downer, who was selected for the position of Deputy
17 Director of Field Legal Operations – East in March 2012, again without announcement or
18 competition, and who became Plaintiff’s supervisor and rating official on October 1, 2013
19 when Ms. Hartnett and he switched regions – she became Deputy for the East and he became
20 Deputy for the West. Once the Deputy FLO Directors were in place, Mr. Stolley became
21 Plaintiff’s second-line supervisor and “reviewing official” on her ratings.
22

23 31. Initially, having received apologies from Ms. Ramlogan and Mr. Stolley on her
24 behalf for Ms. Ramlogan’s harsh public treatment of her in December 2011, Plaintiff
25

1 assumed everything was back to normal. Indeed, on January 25, 2012, Mr. Stolley wrote to
2 Plaintiff about some training her office had been asked to do, saying, “Thank you—my goal
3 is to get other OCCs as good as yours!” Plaintiff was invited to give a presentation at an
4 OPLA Management Conference in Dallas, Texas on April 17, 2012 on “Motivating
5 Employees.” Ms. Ramlogan was in the audience and sent Plaintiff an email afterwards,
6 praising her presentation and inviting her to dinner. Just one week later, on April 25, 2012,
7 Plaintiff received her mid-term progress review from Mr. Stolley.

9 32. Expecting a favorable review, Plaintiff instead saw comments from Mr. Stolley
10 in the review that warned her to “focus more on the positive than the negative... Instead of
11 merely reporting that morale in your office is low, please try to find ways to improve it.”
12 Plaintiff was distraught and confused and asked to speak with Mr. Stolley about the review.
13 When Mr. Stolley eventually contacted Plaintiff on May 14, 2012, he made light of the
14 comments, saying, “What’s the big deal? It’s only a progress review.” Plaintiff responded
15 that these comments would become part of her permanent employment record, and besides,
16 they had no basis in fact. Mr. Stolley then told Plaintiff, “Well, after Sandweg [then Senior
17 Advisor to DHS Secretary Janet Napolitano, and later Acting DHS General Counsel, and still
18 later, Acting ICE Director John Sandweg] visited your office in Phoenix he came back and
19 called Peter [Vincent] and screamed at him and said, ‘Phoenix is all fucked up!’” Plaintiff
20 told Mr. Stolley this made no sense as Mr. Sandweg had expressed nothing but approval for
21 the efforts of Plaintiff’s office toward implementing ICE Director Morton’s Prosecutorial
22 Discretion initiative when he was visiting in Phoenix, and besides, no one had asked Plaintiff
23 about it.
24
25

1 33. Plaintiff inquired of Mr. Stolley, “Was there anything else?” Mr. Stolley then
2 told her, “Well, you’ve said some things in management meetings that have not been well-
3 received.” Mr. Stolley could not explain what those comments might have been. The only
4 meeting Plaintiff had attended since her last appraisal in December 2011 was the OPLA
5 Management Conference attended by Ms. Ramlogan and Mr. Downer, just a week before the
6 progress review. Mr. Stolley acknowledged on the call with Plaintiff “It would be hard to
7 find ways of improvement,” and, “Your areas of improvement are so small.” Plaintiff insisted
8 the negative comments in her mid-term progress review be removed, and Mr. Stolley
9 eventually did so. Nevertheless, with Ms. Hartnett now Plaintiff’s supervisor, Plaintiff began
10 to experience the uncomfortable feeling that something very worrisome was taking shape.

13 34. Disregarding the chain of command, Mr. Stolley, Ms. Hartnett and Mr. Downer
14 began operating with respect to Plaintiff as if they, collectively, were one supervisor, as “FLO
15 leadership,” in a fluid manner. Plaintiff began receiving harsh, accusatory telephone calls and
16 emails from Ms. Hartnett, Mr. Stolley, and Mr. Downer. Each of the three FLO managers
17 would make groundless accusations against Plaintiff, out of the blue. When Plaintiff would,
18 time after time, demonstrate the accusations were unfounded, Mr. Stolley, Ms. Hartnett, and
19 Mr. Downer would simply drop the subject; they never apologized or withdrew any of the
20 false claims. Subsequently, in private, and just among themselves, the three FLO managers
21 would then forward the messages around to each other, and make disparaging comments
22 about Plaintiff. Ms. Hartnett would even mark one of her triumphant messages about Plaintiff
23 with a smiley-face.

1 35. At the end of the rating year, on October 31, 2012, Ms. Hartnett rated Plaintiff
2 just low enough to push her below the “Achieved Excellence” level of performance (**4.5** or
3 better), which equated to an “Outstanding” rating, for the first time since very early in
4 Plaintiff’s career. Ms. Hartnett rated Plaintiff **4.4** on a **5.0** scale. Without explanation,
5 Plaintiff was down-graded from a “5” to a “4” in three of four goals, and from a “5” to a “4”
6 in two of seven Competencies. There were only four short paragraphs of positive comments
7 to accompany the rating. Plaintiff believed the rating to be unfair, but felt she would not
8 achieve anything by grieving it to the obviously hostile Mr. Stolley or Ms. Ramlogan.
9 Plaintiff let it go, but she was very concerned about what it portended. In retrospect, it is clear
10 this rating was designed to be the first step in the orchestrated plan to document a seemingly
11 downward progression in Plaintiff’s performance, to make what would happen the following
12 year appear to be plausible.

15 36. In early January 2013, Plaintiff and one of her deputies, Kimberley Shepherd,
16 were flown to Washington, D.C. at Mr. Stolley’s direction to accept their DHS Office of
17 General Counsel Award of Excellence as part of the “Arizona Litigation” team. Plaintiff and
18 Ms. Shepherd were both surprised, given the supposedly happy nature of their visit to HQ,
19 that Deputy FLO Director Sarah Hartnett was very unfriendly towards them in a meeting with
20 Plaintiff, DCC Shepherd, and Plaintiff’s other two deputies attending by video
21 teleconference.

23 37. Shortly after Plaintiff returned to Arizona following the awards ceremony,
24 Deputy FLO Director Hartnett contacted Plaintiff by email and demanded to know whether
25 Plaintiff had taken the “Arizona Litigation” team’s plaque with her back to Arizona. When

1 Plaintiff said that yes, she had taken the plaque, as she had been instructed to do at the awards
2 ceremony, Mr. Hartnett tersely demanded it be returned to Washington for hanging in the
3 OPLA conference room. This interaction would portend how Plaintiff's receipt of the award
4 would be treated in Plaintiff's performance appraisal for 2012 - 2013 – it was not even
5 mentioned, despite Plaintiff's directing Ms. Hartnett's attention to it. The explanation from
6 Ms. Hartnett for the omission of the award was that the award was to recognize work
7 completed before the start of the rating period, October 1, 2012. However, this explanation
8 defies logic. If this mean-spirited reasoning were applied to all end-of-rating-year national
9 awards, they would never qualify for mention in a performance appraisal, either in the year
10 when awarded, or in the year when "earned," as their existence could not have been known
11 before the awards were announced. To fulfill OPLA leadership's scheme to misuse the
12 performance appraisal system to paint a picture of Plaintiff as a "has-been" who could not
13 adapt to change, and as a "difficult woman," it was necessary that Plaintiff's appraisal not
14 reflect Plaintiff's positive contributions for the year, regardless of how significant they were.

17 38. Thanks, in part, to employing practices such as these over the past several
18 years, the culture in OPLA has come to be what is often described ruefully by OPLA Chief
19 Counsel, Deputy Chief Counsel, and HQ Chiefs in meetings and in private conversations with
20 Plaintiff as "toxic." PLA Vincent, DPLA Ramlogan, and FLO Director Stolley, and the FLO
21 Deputy Directors Hartnett and Downer, bear the greatest responsibility for this once-proud
22 institution having lost its direction and its esprit-de-corps. Despite the posters furnished by
23 OPLA Senior Leadership that are displayed in OPLA offices across the country, claiming that
24 "OPLA" stands for the lofty principles of "Ownership," "Professionalism," "Leadership," and
25

1 “Accountability,” the reality within the organization has been that rank and file employees are
2 unhappy and their managers, by and large, are now dispirited, disempowered and
3 disrespected, mostly due to their mistreatment by OPLA Senior Leadership. Nevertheless,
4 Mr. Vincent and his intimate team take no responsibility for the dramatic collapse of morale,
5 instead blaming the middle managers, such as the Chief Counsel, and issue draconian edicts
6 designed to further disenfranchise the managers, and threaten to “fire” the long-time Chief
7 Counsel being scape-goated.

9 39. The results of the Federal Government’s “Employee Viewpoint Survey”
10 (FEVS) come out every year around November or December. For at least the past several
11 years, the Department of Homeland Security has ranked at the bottom of all departments in
12 “employee satisfaction.” That trend still continues. See [http://www.govexec.com/pay-](http://www.govexec.com/pay-benefits/2014/10/five-agencies-where-moral-falling-fastest/97787/?oref=govexec_today_pm_nl)
13 [benefits/2014/10/five-agencies-where-moral-falling-fastest/97787/?oref=govexec_today_pm_](http://www.govexec.com/pay-benefits/2014/10/five-agencies-where-moral-falling-fastest/97787/?oref=govexec_today_pm_nl)
14 [nl](http://www.govexec.com/pay-benefits/2014/10/five-agencies-where-moral-falling-fastest/97787/?oref=govexec_today_pm_nl). Within DHS, ICE enjoys the distinction of being ranked among the lowest of the DHS
15 agencies. Within ICE, OPLA has ranked at the bottom or has been, at best, tied for the
16 bottom, with Enforcement and Removal Operations (ERO), for the past several years. OPLA
17 employees generally have a favorable opinion of their supervisors, but lack trust in their
18 senior leadership. The 2012 FEVS results were very bad for OPLA in general, and in
19 particular for, some of the individual field offices.

22 40. This prompted Mr. Vincent, Ms. Ramlogan, Mr. Stolley and the two Deputy
23 FLO Directors to summon a female Chief Counsel and her female deputy to Washington for a
24 “dressing-down” by all of them in early February 2013. At this meeting Mr. Vincent
25 screamed at the Chief Counsel and her deputy. When the Chief Counsel tried to defend

1 herself by pointing out that her staff had given favorable marks to herself and her deputies,
2 and had reserved their most scathing criticism for “senior leadership,” Mr. Downer’s angry
3 retort was, “That’s obviously because you haven’t messaged it properly to your staff!
4 Remember, it’s rainbows and unicorns, baby, rainbows and unicorns.”
5

6 41. In late February 2013, Plaintiff was contacted by telephone by Deputy FLO
7 Director Hartnett and instructed to look favorably for prosecutorial discretion on immigration
8 removal cases involving the lowest level of felony convictions for identity theft under
9 Arizona law, those classified as “Class 6 Undesignated” felony convictions. This was a very
10 significant development, as generally, criminal aliens, particularly convicted felons, are,
11 under the Director Morton PD memos, “priority” cases that should be aggressively pursued.
12 However, Ms. Hartnett explained that as these were “low-level” offenders and a conviction
13 could be converted from a felony to a misdemeanor after the defendant successfully
14 completed probation (hence, the “undesignated” nomenclature), and since the typical alien
15 defendant convicted under these provisions of Arizona criminal law had simply been using a
16 fake I.D. to get and keep employment, Plaintiff and her attorneys should look carefully at the
17 individual’s equities and consider their cases for “administrative closure,” a term used to
18 mean they would be taken off the docket indefinitely.
19
20

21 42. The decision to administratively close a case for PD involving a person who has
22 been convicted of a felony that is classified as a “crime involving moral turpitude” by the
23 Ninth Circuit Court of Appeals has serious implications besides appearing to be inconsistent
24 with the “Morton PD Memos.” Administratively, closing a case means the individual, who
25 would otherwise be subject to “mandatory detention” in ICE custody, would have to be

1 released from custody. Although immigration judges have authority to reconsider the
2 custody conditions of aliens in ICE custody, they do not have authority to do so regarding
3 aliens who are subject to mandatory detention. Otherwise, decisions to hold or release an
4 individual in ICE custody are made by Enforcement and Removal Operations, whose local
5 leader is called the Field Office Director (FOD). Therefore, whenever a case such as this
6 would receive favorable review for PD by Plaintiff and her staff, the FOD and his staff would
7 have to be notified so the individual could immediately be released from custody. Thus, the
8 “Arizona Identity Theft Initiative,” as it came to be known, necessarily was a coordinated
9 determination between the FOD and Plaintiff.
10

11 43. Unfortunately, the Phoenix FOD, initially Katrina Kane, and later, Jon Gurule,
12 in working for a different chain of command than Plaintiff, received very different
13 instructions than Plaintiff did from her chain of command on how to proceed on these cases.
14 Plaintiff would eventually be instructed by Ms. Hartnett and Mr. Stolley to exercise PD in
15 Arizona identity theft cases involving crimes that were classified as “Class 6 Undesignated,”
16 “Class 6 Designated,” through “Class 4” felonies (where the presumptive sentence under
17 Arizona law is 2.5 years in prison). The FOD, through his chain of command, was never
18 authorized to release anyone from custody with an Arizona identity theft conviction more
19 serious than the lowest level felony, a Class 6 Undesignated felony.
20

21 44. Ms. Hartnett’s guidance to Plaintiff was all given orally. Ms. Hartnett’s
22 guidance to Plaintiff was constantly shifting and unclear. Plaintiff was never given enough
23 background information from Ms. Hartnett about the basis for the initiative to be able to
24 reason her way to a comprehensive protocol. Nevertheless, recognizing how sensitive these
25

1 cases were, Plaintiff would frequently be compelled to seek clarification of Ms. Hartnett's
2 instructions. Ms. Hartnett grew increasingly impatient, and took to accusing Plaintiff of
3 engaging in what she called "push-back." This word, "push-back," became the FLO
4 managers' constant denunciation against Plaintiff. Ms. Hartnett would use the term "push-
5 back" in telephone calls; so would Mr. Stolley and Mr. Downer. Ms. Hartnett used the word
6 "push-back" multiple times in Plaintiff's mid-year progress review dated May 8, 2013 and
7 her end-of-year appraisal on November 15, 2013, and in the lengthier version of her 2012 –
8 2013 appraisal issued to Plaintiff on March 13, 2014.

10 45. In the telephone call Ms. Hartnett held with Plaintiff on May 15, 2013 to
11 discuss Plaintiff's mid-year progress review, Ms. Hartnett told Plaintiff that "Jim [Stolley]
12 and Riah [Ramlogan] have the perception that [they're] getting a lot of push-back from you,
13 an incredible amount of push-back...Even the smallest things, you give push-back." Ms.
14 Hartnett explained that "other Chiefs ask questions; you engage in 'push-back.'" Plaintiff
15 was never able to glean exactly how her efforts to obtain clarification of vague oral
16 instructions was qualitatively different from what others would do in asking questions, but it
17 is instructive to note that terms such as "push-back" are often used disparagingly by people
18 who have no use for strong women or women who question authority, however politely.
19 Other derisive terms used in this context are "uppity female," and "bitch."

22 46. The Arizona Identity Theft Initiative turned into an enormous undertaking for
23 Plaintiff and her staff and the FOD and his staff, involving hundreds of cases. Ms. Hartnett
24 and Mr. Stolley would eventually require that Plaintiff provide a daily report to them and Mr.
25 Downer, listing every such case she had reviewed that day for PD, with a detailed summary

1 of the case's procedural history, the respondent's demographic profile, the circumstances that
2 had given rise to the respondent's arrest and conviction for identity theft, the arresting
3 agency, whether or not the false identity belonged to a real person, and whether or not that
4 person had suffered any permanent loss due to the identity theft. Every daily report Plaintiff
5 sent forward to Ms. Hartnett, Mr. Stolley and Mr. Downer was reviewed by the three of them
6 and they would respond to Plaintiff, saying whether they agreed or disagreed with her
7 assessment. In all but one case that Plaintiff reported, they were in agreement.

9 47. Throughout the remainder of the 2012 – 2013 rating year, Plaintiff personally
10 reviewed 480 identity theft cases for PD, based on recommendations made by the attorneys
11 on her staff at the two detention centers, but often only after she also had requested and
12 reviewed police reports, pre-sentence reports, and other information. Plaintiff told Ms.
13 Hartnett that her staff attorneys at Eloy and Florence were very concerned about associating
14 their names with the decision to administratively close cases involving criminal convictions
15 up to and including Class 4 felonies, so Plaintiff had advised them that she would personally
16 take the responsibility for making the decision.

18 48. On April 15, 2013, FLO Director Stolley called Plaintiff and angrily rebuked
19 her for having included the FOD in an email she had sent that day to Director Stolley and
20 Deputy Director Hartnett seeking clarification of the instructions. Mr. Stolley told Plaintiff
21 during this call that Deputy Principal Legal Advisor Riah Ramlogan thought her email was
22 "disingenuous." Ms. Hartnett would later, on May 15, 2013, describe Plaintiff's email as
23 "incendiary."
24
25

1 49. On April 16, 2013, FLO Director Stolley tried to get the ICE Office of Public
2 Affairs to confirm his suspicion that Plaintiff had been aware but had failed to tell him about
3 the publication by the Phoenix New Times of a negative news article about alleged collusion
4 between ICE and the Maricopa County Attorney's Office in pursuing Arizona ID theft cases.
5 Mr. Stolley asked both the Western Region's Public Affairs Officer and the Arizona Public
6 Affairs Officer in an email "whether our OCC [Office of Chief Counsel, *i.e.*, Plaintiff] would
7 know that this was coming out." Mr. Stolley was told explicitly by both PAOs that neither of
8 them nor Plaintiff was aware of the article. Nevertheless, in a pattern that would become all
9 too familiar, Mr. Stolley chided Plaintiff in an email for failing to advise him: "This story
10 was sent by Main Justice to DHS, and Peter [Vincent] was asked about it and had me write up
11 an explanation. It would have been much better to have known about it in advance."
12 Plaintiff then told Mr. Stolley what he already knew, that she had had no advance knowledge
13 of the story, but Mr. Stolley never acknowledged her response.

14 50. Keeping on top of the many, many Arizona Identity Theft PD reviews was no
15 easy task, but Plaintiff and her team and the FOD and his team worked collaboratively, as
16 they always did on joint endeavors, and managed together to create a process that kept their
17 decisions out of the press, something that easily could have occurred given the nature of the
18 undertaking.

19 51. By the middle of June 2013, Mr. Stolley and Ms. Hartnett finally withdrew the
20 requirement that Plaintiff provide them daily reports of the Arizona Identity theft cases she
21 had reviewed each day for PD. They admitted to Plaintiff in an email that "D1 [meaning then-
22 Director Morton] is very pleased. Great job." This favorable judgment by the Director of the
23
24
25

1 agency about the Plaintiff's handling of a very politically sensitive, delicate task would never
2 be reflected in Plaintiff's performance appraisal for 2012 - 2013, and instead, all references to
3 the Arizona ID theft initiative were manifestly negative.

4
5 52. The FLO managers looked to find fault with Plaintiff in any way they could, no
6 matter how petty. When Plaintiff sent Ms. Hartnett and Mr. Stolley her performance
7 appraisal inputs for the first half of the 2012 – 2013 rating year, on March 28, 2013, Ms.
8 Hartnett immediately forwarded them to Mr. Downer, copying Mr. Stolley, nastily saying,
9 “Didn’t I say double spaced and 12 pt font?” Indeed, such a restriction on performance
10 appraisal inputs would have been even more absurd than the one that actually had been
11 placed on Plaintiff and her fellow Chief Counsel, that their inputs could not exceed two
12 pages, to describe their accomplishments as attorney-managers engaged in sophisticated legal
13 activities over an entire six-month period. Since the employee’s inputs become part of the
14 appraisal record itself, even placing a page limit on an employee is a violation of federal
15 employment law. Such a limitation, used as it has been by OPLA Senior Leadership, is a
16 prohibited personnel practice, as the restriction is calculated to inhibit disfavored employees
17 like Plaintiff from being able to make a case in their official personnel records for their own
18 contributions and value to the organization.
19
20

21 53. As unreasonable and unfair as the interactions Plaintiff was subjected to by
22 FLO Director Stolley and Deputy FLO Director – West, Hartnett, the most blatantly abusive
23 pattern and practice of harassment of Plaintiff was delivered by Matt Downer, starting when
24 he was Deputy FLO Director – East, even as Plaintiff remained under Sarah Hartnett’s
25 supervision. But Mr. Downer did not always treat Plaintiff with hostility. On December 20,

1 2011, Mr. Downer, then a junior Chief Counsel of the smallest office in the country, OCC
2 Honolulu (with a staff of three attorneys), had emailed Plaintiff and her deputies, saying,
3 “Thanks so much AZ! You all on this chain have assisted me so much in all the different
4 jobs I have had in ICE, I deeply appreciate it.”

5
6 54. However, once he was tapped by PLA Vincent for the position of Deputy FLO
7 Director in March 2012, managing half of the 26 Chief Counsel in the country, without
8 having to compete for the job, Mr. Downer’s attitude towards Plaintiff changed dramatically.
9 Mr. Downer’s new attitude was displayed very clearly on March 22, 2013.

10
11 55. On that date, Plaintiff and her three Deputies were actively engaged in a very
12 high profile, urgent undertaking from HQ – to prepare detailed summaries of all of the cases
13 involving criminal aliens who had been released from the Arizona AOR during the days
14 immediately preceding the anticipated federal government Sequestration in late February
15 2013 – the “Criminal Alien File Review Project.” The Arizona ERO Field Office had
16 released 30 such individuals, and had the second-most such releases of any AOR, after
17 Houston. Congress had demanded to know exactly who had been released and what their
18 precise criminal history was. Many of these released criminal aliens had immediately moved
19 to other cities and states around the country, and when they did, their Alien files (A-files)
20 moved with them to the offices in charge of their new homes. Without the files, complete
21 information regarding the criminal and immigration history of the individuals who had
22 moved was very difficult to come by.

23
24 56. Ms. Hartnett, who was Plaintiff’s supervisor at the time, instructed Plaintiff that
25 she was to reach out to the Chief Counsel in the gaining location to request necessary

1 information from the A-files, and to have it scanned and emailed so Plaintiff and her deputies
2 could review it in their office in Phoenix. Plaintiff asked Ms. Hartnett if the process could be
3 modified to have the Chief Counsel in the gaining offices, who now had direct access to the
4 A-files, prepare the case summaries for those particular cases. Plaintiff told Mr. Hartnett that
5 she was concerned about the high potential for error in the process as conceived. Ms.
6 Hartnett was very terse with Plaintiff and told her the decision had been made to do it the way
7 she had instructed and there would be no more discussion.

9 57. Plaintiff and her Deputies immediately set to work preparing the summaries,
10 contacting Chief Counsel in the various gaining offices around the country for the missing
11 material, and diligently preparing the summaries. After the project was well under way, with
12 Plaintiff and her Deputies, and now two Senior Attorneys also enlisted, Ms. Hartnett called
13 Plaintiff on the telephone inquiring, "How is it going?" Plaintiff explained the summaries
14 were taking an inordinately long time to complete as many of the files that were available
15 were voluminous, with lots of criminal records, and the absence of the other files meant
16 Plaintiff could never be certain that she had all of the necessary information from the scanned
17 and emailed documents. Plaintiff told Ms. Hartnett that she and her team had had to resort to
18 frequent back-and-forth telephonic and email contact with the gaining Chief Counsel offices,
19 just to ensure everything in the file that was relevant had been identified and sent on to
20 Phoenix.

23 58. Plaintiff told Ms. Hartnett this slowed the process to the point that it was taking
24 up to several hours to prepare each summary and at the rate they were going, they were not
25 going to meet the deadline of Monday morning, despite the team working long into the nights

1 and even if they worked all weekend. Plaintiff asked Ms. Hartnett one more time if she
2 would consider having the gaining Chief Counsel enlisted to assist, especially given how
3 sensitive the project was. Ms. Hartnett then became incensed, saying the decision had been
4 made, and rudely hung up on Plaintiff.

5
6 59. Not an hour later, Mr. Downer fired off to Plaintiff the first of a series of harsh,
7 accusatory emails that would all be remarkably similar in style, weaving in purported “facts”
8 that had no basis in reality, and making clumsily-associated references to the accusations as
9 negatively implicating the performance appraisal “competencies.” The first several of these
10 emails, like this one, were sent by Mr. Downer when he was not even Plaintiff’s supervisor.
11 In the March 22, 2013 email entitled “Project,” Mr. Downer, copying Mr. Stolley and Ms.
12 Hartnett, admonished Plaintiff: “You are exercising poor judgment and being inefficient
13 when you continue to revisit with both Mike and Sarah whether the releasing office or the
14 office with the A-file handles the case after I explicitly told you the releasing office was
15 handling the review. This is incredibly disappointing.” He continued, “You are an
16 experienced chief and I expect more of you. No other chief is providing this amount of
17 pushback on this project and other chiefs have greater challenges than PHO is facing. We
18 need you to step up and start exhibiting some independent decision making, tackle this
19 project and minimize the multiple lengthy phone calls.”

20
21
22 60. Mr. Downer’s email then changed the subject, deriding Plaintiff about her
23 handling of an Arizona Identity Theft case, completely mischaracterizing what had
24 transpired. What had really happened was Plaintiff had asked Mr. Downer and Mr. Stolley a
25 question by email about whether a Class 4 felony conviction would be eligible for

1 consideration for PD under the Arizona Identity Theft Initiative, since, up until this time, only
2 Class 6 felonies had been included. Mr. Downer, however, described the transaction in his
3 email of March 22, 2013 like this: “This also happened with G-, A XXXXXXXXXX, where I
4 instructed you to admin close the case. Then OCR represented to the Representative we
5 would admin close and you wanted to revisit this on Friday night. I understand that you don’t
6 agree with many decisions, but you are part of a larger organization where it is imperative
7 you carry out the instructions you receive. I get overruled, daily, and I roll with it. Please
8 adapt to a more team player mode.”

9
10 61. What Plaintiff didn’t know at the time was that the G- case had been the subject
11 of email traffic at HQ that reflected Mr. Downer had initially, on March 14, 2013, agreed
12 with the decision by one of Plaintiff’s attorneys at the Eloy detention center to deny PD.
13 However, Mr. Downer was later persuaded to change his mind when he mistakenly
14 concluded that G-’s Class 4 felony conviction (for which the presumptive sentence under
15 Arizona law is 2.5 years) was less serious than a Class 6 felony, the lowest level felony under
16 Arizona law. Mr. Downer explained his flawed reasoning to Mr. Stolley on March 15, 2013,
17 “I said ok to deny PD, but I didn’t realize it was a class 4 felony. I recommend reversing and
18 admin closing or should we push forward because of the recent crime?” Mr. Stolley also
19 failed to recognize that Mr. Downer had the Arizona criminal law structure backwards. Mr.
20 Stolley responded to Mr. Downer by ridiculing Plaintiff and her office, saying, “Admin close.
21 Why, as late as this week, would the ACC in Eloy decline PD? Why would Pat Vroom
22 clearly approve declining to exercise PD in this case, even after getting [a Congressional]
23 inquiry?”
24
25

1 62. Plaintiff was stunned by Mr. Downer's March 22, 2013 email, by its tone and
2 content, but she did not dare attempt to defend herself. Plaintiff simply wrote back, "Thank
3 you for your email. I will respond next week. Right now I'm focused on the project." Mr.
4 Downer contemptuously replied, "I do not want a response. That's the point."

5
6 63. While Mr. Downer was telling Plaintiff that she was the only Chief Counsel
7 who was not cooperating on the Criminal Release File Review Project, he was doing the same
8 to Houston Chief Counsel Sabrina Gray, who also did not report to him, but, like Plaintiff, to
9 Ms. Hartnett. Ms. Gray was seven months pregnant with her first child at the time. Like
10 Plaintiff, Ms. Gray was tasked with completing the Criminal Alien File Review Project in an
11 overly ambitious time frame. Houston had the most releases of all the AORs, 42. Ms. Gray
12 had to cancel a long-planned trip with her husband to visit family, staying in the office one
13 night until 4:00 a.m., and juggling appointments with her obstetrician due to health concerns
14 associated with her pregnancy. Nevertheless, Mr. Downer criticized Ms. Gray for being too
15 slow and too thorough in managing the project. When Ms. Gray attempted to defend herself,
16 Mr. Downer gave lip service to her need to "take care of [herself] and the baby," but he made
17 it clear the expectation was for her work product to be both perfect and timely, and stated,
18 "Welcome to my world."
19

20
21 64. How Mr. Downer came to believe that he could treat experienced, previously
22 well-respected OPLA managers like Plaintiff and Ms. Gray with such obvious contempt can
23 perhaps be partly explained by a speech PLA Vincent would give some months later to a
24 room full of OPLA attorneys and support staff who were attending a "Train-the-Trainer"
25 class in Dallas, Texas the week of September 12, 2013. OPLA was, at the time, rolling out a

1 new electronic case management system called “PLAnet,” an acronym for “Principal Legal
2 Advisor’s Net.” These OPLA employees were being trained to teach other OPLA attorneys
3 and support staff how to use the new system. Mr. Vincent gave the “leadership” remarks to
4 the trainers. Mr. Vincent told the group he was very proud of the introduction of PLAnet, and
5 that it represented change. Mr. Vincent described various other changes he had put into
6 effect since he had become Principal Legal Advisor, including the comprehensive
7 reorganization of the OPLA structure at HQ. Then Mr. Vincent turned his attention to OPLA
8 leadership, proudly articulating his agenda: “I’ve fired Chief Counsel who have been sitting
9 in their jobs for 20 years, doing nothing, and I will fire more!” Mr. Vincent’s claim that he
10 had “fired” Chief Counsel was odd, unless one counts the Los Angeles Chief Counsel, the
11 Houston Chief Counsel, and the San Diego Chief Counsel, Mr. Soblick, who had all retired,
12 albeit under duress, as those he had “fired.” One had to wonder who the other Chief Counsel
13 were that he already had plans to “fire.”

16 65. Two members of Plaintiff’s staff attended this training, and they both sat
17 through Mr. Vincent’s speech. They told Plaintiff when they returned to Phoenix they were
18 not only shocked by Mr. Vincent’s statements, but also by his tone. They told Plaintiff they
19 had discussed between themselves how bizarre it was in the taxi cab ride to the airport
20 afterwards.

22 66. Mr. Vincent also has a habit of disapprovingly referring to Chief Counsel
23 Offices as “fiefdoms.” Indeed, Mr. Vincent used that reference as recently as the week of
24 September 15, 2014 in Los Angeles, California, to another room full of OPLA attorneys, this
25

1 time at the Experienced Attorney – 9th Circuit Training that some of Plaintiff’s staff attorneys
2 attended.

3 **D. The Hostile Work Environment Continues in the Fall 2013**

4
5 67. On September 16, 2013, Plaintiff was again subjected to abusive treatment by
6 Mr. Downer by email. He was still not her supervisor. On that date, Plaintiff wrote to her
7 supervisor, Ms. Hartnett, requesting a few days extra to turn in her performance appraisal
8 inputs beyond the date Mr. Downer had just announced on a Chief Counsel Conference Call,
9 September 30, 2013, the last day of the rating cycle. Plaintiff was about to leave for a long-
10 planned two-week vacation to Europe and asked if she could have until a week after her
11 return on October 4, 2013 to get them in – October 11. This requested time frame would
12 have been completely normal for submitting performance appraisal inputs. This year, for
13 example, the deadline was October 14, 2014. Ms. Hartnett responded within moments,
14 copying Mr. Downer and Mr. Stolley, advising Plaintiff that her request was denied. Plaintiff
15 immediately wrote back, saying, “Okay, thanks, Sarah. I’ll do what I can.” A few moments
16 later, Ms. Hartnett inquired what it was that Plaintiff was working on the next two days that
17 “Make it unable to finish?” (sic) In response, Plaintiff simply said she wanted to leave her
18 deputies with a clean plate, and described some of the particulars. Ms. Hartnett came back,
19 saying, “Please delegate what you can to ensure you get me what you want me to consider
20 before you leave.”
21
22

23 68. The next thing that transpired was very disquieting. Mr. Downer wrote, copying
24 Mr. Stolley, but conspicuously “Dropping Sarah.” Mr. Downer then launched into a
25 hyperbolic email lecture: “For the seven years I have been with this agency, the performance

1 period has ended on Sept. 30. The timing of self-assessments should not be a surprise to an
2 experienced manager such as yourself. Your request for an extension indicates to me a lack
3 of vision and poor time management skills on your part. This is a lack of the core
4 competency of leadership. Because of your lack of planning, you sought to saddle your
5 supervisor with the burden of a compressed schedule to complete your performance review. I
6 find that a lack of teamwork and cooperation, another core competency. I stated the obvious
7 on Thursday about self-assessments and it appears you are just getting around to requesting
8 this extension today, also apparent poor planning, and to me, this is an attempt to force
9 Sarah's hand. I find Sarah having to tell you to delegate the projects below a lack of
10 leadership from you. We have been talking docket efficiencies for a very long time now. If
11 you decided to wait until now to come up with a plan, that is your responsibility to manage
12 your time. I am concerned that this is a reflection of how you run your office.”

15 69. Mr. Downer continued, “To succeed at the core competencies, in the future,
16 please better plan these long term projects and don't uptask based on your poor planning.”
17 Plaintiff was about to leave for a vacation to Europe in two days, had already agreed to get
18 the performance appraisal inputs to Ms. Hartnett before she left, and had not asked for help in
19 managing her other commitments as Chief Counsel. Mr. Downer's words and accusations
20 and the strained connections he was making between an innocuous request that would have
21 been treated as a routine matter in the past and the “core competencies” in her performance
22 appraisal were alarming and disturbing to Plaintiff.

24 70. The fact that Mr. Downer would “drop” her supervisor, but continue to include
25 FLO Director Stolley, was confusing and led Plaintiff to conclude that she should not go back

1 to Ms. Hartnett about the matter as Mr. Stolley clearly condoned Mr. Downer's conduct.
2 Plaintiff decided she had better do nothing to challenge Mr. Downer's accusations against
3 her. She feared that if she did so, she risked having Mr. Stolley rescind her leave approval
4 and then she would be faced with losing the \$10,000 she had invested in the trip, and more
5 importantly, ruining the vacation plans of the three other people who were to accompany her.
6 Plaintiff wrote a benign message back to Mr. Downer and Mr. Stolley, offering thanks for the
7 observations and saying that she would prepare the inputs in a timely fashion.
8

9 71. Plaintiff did get her performance appraisal inputs to Ms. Hartnett before she left
10 on vacation, on September 18, 2013, but noted she had gone over the recently-imposed two-
11 page limit by two lines. Ms. Hartnett, Plaintiff's supervisor, responded immediately, saying,
12 "Great. Thank you." Nevertheless, Mr. Downer, who Ms. Hartnett had copied on her
13 response, then stepped in, and angrily rebuked Plaintiff, "We aren't reading the last two lines.
14 Come on."
15

16 72. During Plaintiff's European vacation, from September 19, 2013 through
17 October 4, 2013, her deputy, Arnold Eslava-Grunwaldt, served as Acting Chief Counsel in
18 her stead. FLO Director Stolley and the two Deputy Directors, Hartnett and Downer, took
19 this opportunity to mercilessly hound Mr. Eslava-Grunwaldt about the local mileage claims
20 the three attorneys in the Tucson office had been making for their trips between the office and
21 the immigration court, and about the Tucson attorneys' judgment with respect to their review
22 of cases for prosecutorial discretion. Mr. Stolley had concluded that the Tucson attorneys
23 were enjoying a "milk train on mileage" of "thousands of unearned dollars for ACCs
24 [Assistant Chief Counsel]." Although the local mileage issue first arose a few days before
25

1 Plaintiff was to leave for her vacation out of the country, and Mr. Stolley never requested or
2 had knowledge of the actual total expenditure associated with this local travel, he insisted that
3 the matter be addressed by Mr. Eslava-Grunwaldt during Plaintiff's absence. Mr. Stolley
4 made demands that caused all of the Tucson attorneys to feel disrespected and become
5 demoralized, and led them eventually to file a Union Grievance.

7 73. Plaintiff was able to resolve the Grievance upon her return, and working with
8 the Union, found mutually acceptable ways of saving mileage costs without compromising
9 the Tucson attorneys' ability to effectively litigate their cases in court. A significant concern
10 of the attorneys had been that if they could not go to the office to retrieve their A-files before
11 court, they would not have all of the information they would need to properly litigate the
12 cases. Union President Fanny Behar-Ostrow wrote to Plaintiff on January 16, 2014, saying,
13 "I really appreciate the positive relationship that we have forged and your willingness to work
14 with us to find a workable solution to the issues that the Tucson OCC attorneys are facing."

16 74. The other issue of mismanagement that FLO Director Stolley thought he had
17 identified during the heated back-and-forth with Mr. Eslava-Grunwaldt about the Tucson
18 mileage claims was the judgment calls the Tucson attorneys were making about the exercise
19 of prosecutorial discretion. Mr. Stolley had one case come to his attention, the W- case,
20 because a Tucson ACC had used it to explain why she needed to go to the office before court
21 to retrieve the A-files for the cases on the docket that day. This particular case had a relief
22 application filed by the respondent that amounted to some 600 pages of material, and the
23 ACC had described how she could not competently litigate the case without the A-file
24 because she was not able to pull it up on line while in court in the GEMS case management
25

1 system (the predecessor to PLANet), because of connectivity issues and the document's size.
2 Mr. Stolley concluded on September 23, 2013 that "if the ACCs there are unable to see this
3 case for what it is, I shudder to think what they're doing on all the rest."

4
5 75. The attorney handling the case attempted to explain her litigating strategy
6 regarding the case, involving an alien respondent who had registered to vote, not once, but
7 twice, both times falsely claiming to be a U.S. citizen. Mr. Stolley, however, concluded in an
8 email to Mr. Eslava-Grunwaldt and the other Phoenix deputies on September 24, 2013:
9 "PHO: She is so wrong on so many levels that I don't have a response right now. Sarah will
10 speak with Arnold tomorrow. It is abundantly clear that, notwithstanding two years of
11 discussing PD, priorities, and efficiencies with the field, Tucson needs comprehensive
12 correction." Having discovered one case that he thought had not been properly assessed for
13 PD, Director Stolley then ordered Mr. Eslava-Grunwaldt to conduct a comprehensive re-
14 view of every single case on the Tucson docket, all 1831 cases.
15

16
17 76. On October 1, 2013, Ms. Hartnett and Mr. Downer switched their regions of
18 oversight – Ms. Hartnett was now Deputy FLO Director – East, and Mr. Downer was now
19 Deputy FLO Director – West. This meant Mr. Downer was now officially Plaintiff's
20 supervisor. When Plaintiff returned home after her vacation on October 4, 2013 she learned
21 that she had been furloughed due to the federal government shutdown. Because of
22 administrative requirements, Plaintiff would not be allowed to return to work until a week
23 later.
24

25 77. As soon as Plaintiff was able to return to the office she discovered the Tucson
mileage issues had exploded into a serious controversy, and Deputy Chief Counsel Eslava-

1 Grunwaldt had been ordered to review all of the pending Tucson cases. Plaintiff herself then
2 began being hounded by Mr. Downer about the W- case. Mr. Downer demanded to know
3 what Plaintiff was going to do to resolve it. When Plaintiff proposed that she offer to
4 stipulate to a grant of relief for the alien in the form of Cancellation of Removal, since the
5 respondent had already been found to be removable for her false claims to U.S. citizenship,
6 Mr. Downer responded by email on October 28, 2013, tersely saying, "Think again."
7 Realizing she had not arrived at the "correct" answer as to how she should apply
8 "prosecutorial discretion," Plaintiff then suggested the case be dismissed without prejudice, to
9 which Mr. Downer replied, "Agreed."

11
12 78. Nevertheless, several hours later, Mr. Downer again wrote to Plaintiff about the
13 W- case. He said, "Re reading this – dismiss with prejudice." This instruction was legally
14 unjustifiable and arguably unethical. No reasonable government attorney would unnecessarily
15 prejudice his or her prosecuting client's interests by requesting that a court dismiss a matter
16 with prejudice when it could be, and normally would be, dismissed without prejudice. The
17 governing regulation dictates that such dismissals are without prejudice. The significance of
18 this irresponsible instruction which was clearly motivated by Mr. Downer's pique, rather than
19 any reasoned professional judgment, is no small matter.

21 79. If the respondent in the W- case were later to be implicated in criminal
22 activities, and had the case been dismissed with prejudice, the Department of Homeland
23 Security would have been forever precluded from bringing the removal case against W- again
24 in immigration court on the same, legally sound, charges.
25

1 80. When Ms. Hartnett issued Plaintiff's appraisal to her on November 15, 2013,
2 the W- case was listed to establish Plaintiff's "staff ha[d] not embraced prosecutorial
3 discretion," and it was mentioned three times for the same reason in the lengthier appraisal
4 narrative Ms. Hartnett issued to Plaintiff on March 13, 2014. Indeed, in the lengthier version
5 of the appraisal, Ms. Hartnett went so far as to claim that the case was "legally weak." There
6 is no basis for the assertion the case was legally weak.
7

8 81. On October 29, 2013, Plaintiff was preparing for a very important video
9 teleconference with PLA Vincent, DPLA Ramlogan, FLO Director Stolley, and Deputy FLO
10 Directors Hartnett and Downer, along with all of her deputies and the Chief Counsel and
11 deputies from the San Antonio OCC and the San Francisco OCC. All of the field managers
12 from the three offices were to be on display, demonstrating the depth and breadth of their
13 knowledge of their respective AORs for the senior leadership in OPLA. Plaintiff had been
14 preparing for days, mastering the relevant metrics and readying herself to perform under the
15 spotlight.
16

17 82. Early that morning, before the call, Plaintiff received another harsh, bullying
18 email from Mr. Downer. This time, Mr. Downer reproached her for having sent him by email
19 some information about her office's staffing rather than uploading it to Sharepoint in
20 something called the "FLOSS Report." Plaintiff had explained in her email there was a
21 problem with accessibility to the FLOSS Report, so she had not been able to make the
22 changes there, and that her office had previously provided the information to a Management
23 Program Analyst in Dallas named Holly Taylor. Plaintiff had explicitly noted she was not
24 blaming Ms. Taylor for the fact that the report had not been updated with the information.
25

1 Mr. Downer's email mischaracterized Plaintiff's email, accusing her of finding fault with Ms.
2 Taylor, and then launched into a completely unfounded accusation about Plaintiff's
3 management of her office, and again parroted language from the performance appraisal
4 competencies.

5
6 83. Mr. Downer intoned, "Holly was single-handedly tackling furlough issues.
7 And besides that, the OCC should be updating the report on SP. I hold you responsible for
8 this. You should care more about your office's numbers than me or holly. (sic) Having said
9 that, I will get the right numbers before leadership. I have to say that I expect when your
10 ACCs or support staff also make mistakes, you and your management team clearly and
11 respectfully sets expectations and helps find solutions. I have heard for years that this is not
12 how missteps are handled in Arizona. Please ensure that my information is outdated." Mr.
13 Downer copied Plaintiff's three deputies and Ms. Taylor with his scolding of Plaintiff.

14
15 84. Mr. Downer was aware at the time he wrote to Plaintiff that the FLOSS Report
16 was unavailable on Sharepoint. Mr. Downer had, in fact, just advised another Chief Counsel
17 that he was aware of the problem. Mr. Downer also knew there was no basis to allege that
18 Plaintiff had not properly treated her staff. Mr. Downer's message to Plaintiff was in bad
19 faith, but that did not deter him from forwarding it to Mr. Stolley and Ms. Hartnett a minute
20 later, feigning regret that he had had to admonish Plaintiff. He lamented to his compatriots,
21 "I really do not enjoy this." Plaintiff would eventually refute all of Mr. Downer's accusations
22 and demonstrate his bad faith in an email response that she made, copying Deputy Principal
23 Legal Advisor Ramlogan and Peter Mina, Chief Labor and Employment Lawyer for ICE,
24 after she filed her EEO complaint on November 18, 2013. Plaintiff did not dare challenge
25

1 Mr. Downer at this point, though, and did her best to regain her composure and prepare for
2 the video teleconference.

3 85. The video teleconference went very well and Plaintiff and the other two Chief
4 Counsels received many accolades afterwards from PLA Vincent, and from FLO Director
5 Stolley, both directly, by email, but also at the HQ Chiefs Meeting. When PLA Vincent told
6 all of the HQ Chiefs the three field Chiefs had performed well on the video teleconference,
7 DPLA Ramlogan immediately commented to the group, “Yes, but that’s only because Matt
8 [Downer] prepared them so well. He should get all the credit.”
9

10 86. One thing about the video teleconference that gave Plaintiff concern was Mr.
11 Stolley’s use of profanity during the call. This was a practice that was very common for Mr.
12 Stolley, in business-related phone calls with Plaintiff and other employees, and in the weekly
13 “Chief Counsel Conference Calls” that he hosted. On the video teleconference on October 29,
14 2013, as Mr. Stolley and DPLA Ramlogan and his two Deputy FLO Directors entered the
15 conference room in HQ, Mr. Stolley loudly said to one of the other female Chief Counsel
16 who was present with her deputies, and for all of the rest of the attendees to hear, “Pay no
17 attention to that attorney! He’s an asshole! He’s a dick.” It has been very clear to Plaintiff
18 from her frequent interactions with Mr. Stolley that he would not have countenanced a
19 response in kind from Plaintiff or any other subordinate.
20
21

22 87. Plaintiff received additional unfair accusatory emails from Mr. Downer. On
23 October 31, 2013, Mr. Downer wrote to chide Plaintiff because HQ had been contacted about
24 some Arizona cases by an Arizona Congressman. Mr. Downer complained, “These elevations
25 past the OCC are only consistently happening in one other OCC sub office.” Plaintiff

1 investigated and learned that ICE then-Director Sandweg had met the Congressman and they
2 realized they had gone to law school together. Director Sandweg had then instructed the
3 Congressman to contact him directly with any cases of concern. Plaintiff explained all of this
4 to Mr. Downer in an email, but he never acknowledged her message.

5
6 88. On November 5, 2013, Mr. Downer emailed Plaintiff about a Deferred Action
7 for Childhood Arrivals (DACA) applicant, P-D-, who had been found ineligible by U.S.
8 Citizenship and Immigration Services (USCIS), another DHS agency, because of an Arizona
9 ID theft conviction. Mr. Downer did not tell Plaintiff the case had been discussed at the
10 highest levels of government. In fact, the case had been discussed in a conference call on
11 August 16, 2013 among the DHS Principal Deputy General Counsel, the USCIS Chief
12 Counsel, his Deputy, ICE Principal Legal Advisor Peter Vincent, his Deputy, Ms. Ramlogan,
13 Mr. Stolley, and others. These high-ranking DHS, USCIS, and ICE attorneys had convened
14 the call to grapple with what they all agreed was the very difficult question of whether or not
15 a conviction for Arizona identity theft would render P-D- and others ineligible for DACA.
16 When Mr. Downer emailed Plaintiff on November 5, 2013, he demanded to know why she
17 had not been able to persuade her Field Office Director to cancel the Notice to Appear (NTA
18 - immigration court charging document) in the P-D- case.

19
20
21 89. Plaintiff told Mr. Downer on email the FOD had support from his ERO chain of
22 command for not cancelling the NTA, at which point Mr. Downer became angry and asked
23 her accusingly in an email, "And what's your recommended course of action for this case?
24 And generally to rehab your broken relationship with ERO generally?" (sic) Plaintiff told
25 Mr. Downer she had a wonderful relationship with ERO and given the fact that the FOD had

1 HQ ERO's support for his decision, she believed the matter could best be handled at the HQ
2 level between OPLA and ERO, especially since it has arisen as a HQ issue. Mr. Downer
3 replied, "No way. Keep it local Pat. Figure it out."

4
5 90. Immediately thereafter, Mr. Downer called Plaintiff on the telephone and
6 shouted at her: "You are watering down the Chief Counsel brand! You need to be more
7 'muscle-y!' Just threaten the FOD that you won't prosecute his cases if he doesn't cancel the
8 NTA. If that doesn't work, then beg!"

9
10 **E. The 2012-2013 Performance Appraisal**

11 91. On November 15, 2013, Ms. Hartnett called Plaintiff on the telephone. While
12 Ms. Hartnett was no longer Plaintiff's supervisor, she was in the process of completing the
13 performance appraisals for the West Chiefs, for which she was the "Rating Official," and the
14 West Deputies, for which she was the "Reviewing Official," for the 2012 – 2013 rating year.
15 Ms. Hartnett told Plaintiff that she was unwilling to sign off on the appraisals Plaintiff had
16 written for her three deputies, wherein Plaintiff had painstakingly documented their many
17 achievements for the year, because they were "too high." Ms. Hartnett refused to discuss the
18 particulars. By the end of the call, Ms. Hartnett was shouting at the Plaintiff. She said
19 sarcastically to Plaintiff, "So, you want me to go line by line with you over these appraisals?"
20 Plaintiff told her that she simply wanted to have a principled discussion about where Ms.
21 Hartnett found her justifications insufficient for the ratings she had assigned the deputies.
22 Plaintiff pointed out the ratings were consistent with the ratings Ms. Hartnett had signed off
23 on the year before for Plaintiff's deputies, without any challenge. Shortly thereafter, Ms.
24 Hartnett sent Plaintiff an email, apologizing for the tone of the call, including a list of 21
25

1 other Deputy Chief Counsel ratings, and attaching Plaintiff's own appraisal, written by Ms.
2 Hartnett as rater and Mr. Stolley as reviewer, saying tersely, "This may give you food for
3 thought."

4
5 92. Plaintiff's rating for 2012 – 2013 was **3.53** on a **5.0** scale, on the very edge of
6 the bottom range of the category, "Exceeds Expectations." Five of seven Competencies and
7 one of three Goals were rated at the "3" level. The appraisal reflected a downward departure
8 from even the low rating of the year before in every single one of the three Goals and every
9 one of the seven Competencies, except one. There was a downward departure of two whole
10 grades from the preceding year in "Customer Service" and "Technical Proficiency," from "5"
11 to "3." Plaintiff received from Ms. Hartnett and Mr. Stolley a "3" in "Communication,"
12 "Customer Service," "Technical Proficiency," "Assigning, Monitoring and Evaluating
13 Work," and "Leadership."

14
15 93. By stark contrast, in Plaintiff's appraisal for 2011, Mr. Stolley and Ms.
16 Ramlogan had given Plaintiff a "5" in every single Goal and every single Competency except
17 one, for which she received a "4". To justify these startling ratings, Ms. Hartnett and Mr.
18 Stolley wrote a mere one paragraph. They made no effort to address each Goal and
19 Competency. Significant achievements for the year were listed by Ms. Hartnett and Mr.
20 Stolley in a sentence or two. The majority of the brief narrative was devoted to listing
21 Plaintiff's alleged short-comings.
22

23 94. In fact, Plaintiff's office was way out in front of the rest of the country in its
24 implementation of PLA Vincent's biggest initiative for the year, the roll-out of the "Full
25 Service Legal Model," including both support to Homeland Security Investigations, and the

1 Labor and Employment Law component. This very significant achievement was only
2 acknowledged in passing. Other significant achievements were not listed at all, like the
3 Plaintiff's receipt of the OGC Award of Excellence. In making their determination to drop
4 Plaintiff two grades in "Customer Service," Ms. Hartnett and Mr. Stolley failed to exercise
5 due diligence as supervisors. They never reached out to Plaintiff's clients, the Special Agent
6 in Charge and the Field Office Director, to ask them for their thoughts about Plaintiff's
7 support during the year. In the appraisal narrative, Ms. Hartnett and Mr. Stolley did not even
8 try to explain why they dropped Plaintiff two grades in "Technical Proficiency."

9
10 95. In Plaintiff's appraisal, Ms. Hartnett and Mr. Stolley ridiculed Plaintiff's
11 description of the Arizona Identify Theft Initiative as "extremely challenging" and
12 "overwhelming," saying that it was, instead, "really a simple exercise in prosecutorial
13 discretion." Former ICE Director Morton's Prosecutorial Discretion Guidance explicitly
14 stated that aliens with felony convictions were a "priority" for enforcement. No other Chief
15 Counsel was tasked with exercising prosecutorial discretion in cases involving respondents
16 subject to mandatory detention due to their convictions for felony crimes involving moral
17 turpitude. A "simple" exercise in prosecutorial discretion would have led to the conclusion
18 that virtually all of the aliens convicted of Arizona identity theft crimes were ineligible for
19 favorable consideration under the Morton Guidance. The parameters of the Arizona Identity
20 Theft Initiative were never reduced to writing by anyone in OPLA leadership, ICE leadership,
21 DHS leadership, or anyone else in a position of authority over Plaintiff. The instructions to
22 Plaintiff and her staff regarding the Arizona Identity Theft Initiative were all given orally.
23
24
25

1 Each time Plaintiff tried to get clarification of the guidance regarding the Arizona Identity
2 Theft Initiative, she was accused of engaging in “push-back.”

3 **F. Disparate Treatment Due to Gender and Age**

4
5 96. Plaintiff was targeted for abusive treatment by OPLA leadership, namely Mr.
6 Vincent, Ms. Ramlogan, Mr. Stolley, Ms. Hartnett and Mr. Downer, because she was a “long-
7 serving Chief Counsel,” as Plaintiff’s 2012 – 2013 appraisal narrative called her.

8 97. Plaintiff was also targeted for abusive treatment by OPLA leadership because
9 she is a woman. Since December of 2011, when Plaintiff’s abuse began, a distinct difference
10 in treatment has been shown by OPLA senior leadership towards male Chief Counsel (except
11 the senior ones, who were targeted for harassment for that reason alone) and female Chief
12 Counsel. Males have been shown favored treatment in the way they are described by FLO
13 Director Stolley on Chief Counsel Calls and in other ways, tangible and intangible. The
14 achievements of male Chief Counsel are disproportionately applauded by Mr. Stolley and the
15 other FLO managers, and Ms. Ramlogan and Mr. Vincent.

16
17 98. For example, Plaintiff was given harsh criticism in her May 8, 2013 progress
18 review and her November 18, 2013 performance appraisal by Ms. Hartnett and Mr. Stolley
19 for having engaged in various “inefficient practices until instructed otherwise, such as lengthy
20 case summaries that your attorneys did in Tucson...” However, in 2014, a male Assistant
21 Chief Counsel in the St. Paul, Minnesota Office of Chief Counsel was selected by Mr.
22 Vincent, Ms. Ramlogan, and Mr. Stolley for a Principal Legal Advisor Award for doing
23 exactly the same thing, creating a compendium of case summaries.
24
25

1 99. Female Chief Counsel, including Plaintiff, have been shown disfavored
2 treatment, and have been treated to private and public scorn and derision by all five of the
3 OPLA leadership. Ms. Ramlogan, who has a reputation for being routinely harsh and
4 dismissive in her dealings with subordinates, has reserved her most withering scorn in
5 meetings and on conference calls for female Chief Counsel. One notorious example occurred
6 during the third week of March 2014, when she screamed at and otherwise humiliated and
7 ridiculed a female Chief Counsel in a conference call with several other OPLA managers and
8 the Chief Counsel's own deputies.

10 100. Mr. Vincent has also subjected female managers to harsh public humiliation. In
11 early January 2013, during a "Hot Litigation" briefing he presides over from HQ with
12 participants in the room and around the country appearing by telephone, Mr. Vincent was
13 abusive to a female Deputy Chief Counsel, who was serving as Acting Chief Counsel at the
14 time. This female Deputy was slated to participate on the Hot Litigation call to discuss one
15 particular case. However, once the female Deputy was introduced, Mr. Vincent immediately
16 demanded she answer questions about another case, one she hadn't been prepared to discuss,
17 and that, because of its complexity, had its own HQ point of contact. When the female
18 Deputy Chief Counsel admitted she didn't know the answer to the very arcane question Mr.
19 Deputy Chief Counsel admitted she didn't know the answer to the very arcane question Mr.
20 Vincent had posed to her, he scornfully stated for all to hear, "This is the biggest case ever in
21 OPLA! How dare you not know anything about it?"

23 101. Mr. Vincent mistakenly thought he was addressing the actual female Chief
24 Counsel, not her surrogate, because he called her the incumbent's name. A HQ manager at
25 the meeting told Plaintiff, "The Hot Lit has become an Inquisition."

1 102. Mr. Vincent has a long history of failing to respect the boundaries of females
2 with whom he works, and more recently, over whom he has authority. As early as May 2006,
3 at an OPLA National Security Law Division training conference, in San Diego, California,
4 Mr. Vincent made unwelcome advances towards a female Deputy Chief Counsel. Mr.
5 Vincent was, at that time, an Assistant Chief Counsel in the San Francisco Office of the Chief
6 Counsel. Failing to recognize that his advances were unwelcome, Mr. Vincent persisted
7 through the week of the conference to pursue the Deputy Chief Counsel, including seating
8 himself next to her during a training break-out session, whispering in her ear, and pairing her
9 first name with his last name. The Deputy Chief Counsel was uncomfortable with Mr.
10 Vincent's continued advances and made efforts to avoid him during the remainder of the
11 conference, especially after she learned Mr. Vincent had a girlfriend at the time, and the
12 girlfriend was to be joining him for the weekend, after the conference concluded. The Deputy
13 Chief Counsel shared information about this experience with now-ICE Deputy Director Dan
14 Ragsdale the following week.

15
16
17 103. When Mr. Vincent was named Principal Legal Advisor in 2009, the Deputy
18 Chief Counsel reminded Mr. Ragsdale about Mr. Vincent's unwelcome advances toward her
19 in 2006 and told him she was very uncomfortable that Mr. Vincent was now in charge of
20 OPLA, because she would now be his subordinate. Mr. Ragsdale told the Deputy Chief
21 Counsel he had not seen any indication of similar conduct on Mr. Vincent's part since his
22 arrival at HQ.

23
24 104. In November 2011, a young female ICE employee started to receive
25 unwelcome advances from Mr. Vincent on email. Mr. Vincent was married by this time. The

1 female employee received one particular email from Mr. Vincent that said, “I can’t stop
2 thinking about you.” This email was sent from Mr. Vincent’s government email account to
3 the young female employee’s government email account. The female employee was very
4 uncomfortable with Mr. Vincent’s attentions and not sure how to stop Mr. Vincent from
5 pursuing her, so she reached out to a third party, who, in turn, contacted Plaintiff for advice.
6 Plaintiff helped the third party craft a response to Mr. Vincent’s email that would be
7 sufficiently ego-deflating that he would henceforth leave the young female employee alone.
8 The response they created was, “Please leave me alone, Peter. You are old enough to be my
9 father.” The young female employee sent the proposed response to Mr. Vincent and he did,
10 thereafter, leave her alone. In November 2013, Plaintiff learned that Mr. Vincent was under
11 investigation for “inappropriate relationships.”
12

13
14 105. The OPLA Senior Leadership has also disfavored women who are or could
15 become mothers of young children. In 2009, DPLA Riah Ramlogan was in serious
16 discussions with a single female attorney-manager about that attorney working remotely for
17 Ms. Ramlogan from another city. Ms. Ramlogan eventually told the attorney, however, she
18 had decided not to offer her such an option because if she selected her for the position, she
19 would eventually get married, have children, and want to work part-time.
20

21 106. A long-time, retirement-eligible female Chief Counsel has been placed by Mr.
22 Stolley, Mr. Downer and Ms. Hartnett in the humiliating position of having the attorney on
23 her staff who provides advice to the Special Agent in Charge stripped from her supervision
24 and placed under the supervision of a male Chief Counsel in another AOR. Now, the Special
25 Agent in Charge goes directly to the male Chief Counsel for legal advice rather than to her.

1 This long-time, retirement-eligible female Chief Counsel has been made to feel like she has
2 been demoted to Assistant Chief Counsel.

3 107. Two female Chief Counsel were given unduly scathing Letters of Counseling
4 by Mr. Downer in 2013 for their alleged missteps in their handling of national security cases.
5

6 **G. Plaintiff Files an EEO Complaint on November 18, 2013 and The Hostile
7 Work Environment Continues**

8 108. After Plaintiff received her final 2012 – 2013 appraisal from Ms. Hartnett by
9 email, with the message, “This may give you food for thought.” Plaintiff tried to make sense
10 of the situation she found herself in. Having received a “career-destroying” appraisal,
11 Plaintiff felt it was crucial that she defend her deputies from a similar fate.

12 109. On November 18, 2013, Plaintiff wrote back to Ms. Hartnett for some
13 explanation of what Ms. Hartnett had meant to communicate to her about the deputies’
14 appraisals. Ms. Hartnett forwarded the message to Mr. Stolley and Mr. Downer. Mr. Stolley
15 then reproached Plaintiff, “Do not uptask Sarah. I believe you have had enough input from
16 Sarah about ratings...”
17

18 110. On that same date, November 18, 2013, Plaintiff filed her EEO complaint
19 against Mr. Stolley, Ms. Hartnett, and Mr. Downer. Plaintiff would later add Ms. Ramlogan
20 and Mr. Vincent.
21

22 111. On November 19, 2013, Plaintiff sent an email to PLA Vincent, DPLA
23 Ramlogan, FLO Director Stolley, and Deputy FLO Directors Hartnett and Downer, advising
24 them she had filed an EEO complaint against the FLO management team. That same day,
25 DPLA Ramlogan called Plaintiff. Plaintiff and Ms. Ramlogan ended up talking on the

1 telephone for an hour. Ms. Ramlogan told Plaintiff she was “flabbergasted and appalled” by
2 what Plaintiff described had been happening to her at the hands of the FLO managers, and by
3 what Plaintiff told her had been happening to other female Chief Counsel, as well. Ms.
4 Ramlogan reproached Plaintiff for not coming to her sooner.

5
6 112. Plaintiff explained, “But Jim, Matt and Sarah have told me that you and Peter
7 were in agreement with what they were doing.” Ms. Ramlogan assured Plaintiff she had not
8 known anything about the abusive treatment to which Plaintiff had been subjected, and she
9 would not have condoned it if she had. Ms. Ramlogan told Plaintiff, “I can’t ignore this; I
10 can’t push this under the rug.” Plaintiff told Ms. Ramlogan that one aspect of Mr. Stolley’s
11 abuse of Plaintiff and others was his frequent use of profanity, including on the weekly Chief
12 Counsel Conference Calls he hosts. Ms. Ramlogan said she was unaware that Mr. Stolley
13 used profanity in these contexts. Plaintiff reminded Ms. Ramlogan that she had been present
14 when Mr. Stolley had just done this at the video teleconference on October 29, 2013. Ms.
15 Ramlogan then promised she would put an “immediate stop” to this practice.

16
17 113. Plaintiff offered to send Ms. Ramlogan an example of Mr. Downer’s abusive
18 emails. Ms. Ramlogan said she would show the abusive email to Mr. Vincent. Plaintiff sent
19 Ms. Ramlogan the “Dropping Sarah” email, along with her comments demonstrating how
20 disingenuous the content of the email was. At the end of the call, Plaintiff and Ms. Ramlogan
21 discussed convening a meeting with Mr. Vincent and Ms. Ramlogan, Plaintiff, and any other
22 Chief Counsel who wanted to participate to air their concerns. Plaintiff insisted Mr. Stolley
23 not be included. The call ended with Ms. Ramlogan promising to call again the next day,
24 after she had had a chance to talk with Mr. Vincent. Ms. Ramlogan had said to Plaintiff
25

1 during the call, “If you are the Pat Vroom I know, you’re going to want to help me fix this.”
2 Plaintiff was elated and thought that finally, something would be done to stop the abuse.

3 114. Ms. Ramlogan did call Plaintiff on November 20, 2013, as promised. Again,
4 Plaintiff and Ms. Ramlogan talked for an hour. Ms. Ramlogan told Plaintiff that she and Mr.
5 Vincent had found Mr. Downer’s email “a little disturbing.” Ms. Ramlogan said it would be
6 hard to persuade Mr. Vincent to exclude Mr. Stolley from the meeting. Plaintiff told Ms.
7 Ramlogan that it was non-negotiable, that she would not participate in a meeting if Mr.
8 Stolley were present. Ms. Ramlogan seemed to Plaintiff to have a different perspective on the
9 issues than she had the day before, especially when she said, “Jim [Stolley] says that he
10 doesn’t have these problems with 21 other Chief Counsel.” Ms. Ramlogan also described the
11 situation as a “he said-she said.” At the end of the call, Plaintiff agreed to a meeting, without
12 Mr. Stolley, but with Ms. Ramlogan and Mr. Vincent, and any other Chief Counsel Plaintiff
13 could persuade to participate.

14 115. The meeting was to be two weeks later, in Dallas, rather than Washington,
15 because Ms. Ramlogan didn’t want to “stir the rumor mill” by holding it at HQ. Plaintiff
16 spent a sleepless night, thinking about the change in Ms. Ramlogan’s tone from the first call
17 to the second. Plaintiff reluctantly concluded that Ms. Ramlogan and Mr. Vincent were not
18 acting in good faith, and that a meeting with them would just be an opportunity for them to
19 put the lid on Plaintiff’s complaints without rectifying the situation. Plaintiff also believed
20 she would not be able to persuade any other Chief Counsel to participate in the meeting
21 without any protections in place.

1 116. On November 21, 2013, Plaintiff again contacted Ms. Ramlogan by email,
2 copying Mr. Mina, the Chief Labor and Employment Lawyer for ICE, and explained why she
3 had reluctantly decided not to participate in the meeting in Dallas as it was currently
4 conceived. Plaintiff told Ms. Ramlogan, however, that she believed Mr. Vincent should
5 immediately appoint an independent fact-finder to conduct an investigation of Plaintiff's
6 allegations against the FLO managers, and that participants should be provided
7 confidentiality so they would not face reprisal. Mr. Vincent never appointed an independent
8 fact-finder.
9

10 117. On November 22, 2013, Ms. Hartnett sent Plaintiff her deputies' signed
11 performance appraisals, exactly as Plaintiff had rated them.
12

13 118. On Saturday, November 23, 2013, Plaintiff received another groundless,
14 abusive email from Mr. Downer. Again, Mr. Downer drew strained connections between
15 petty matters and Plaintiff's performance appraisal competencies. Mr. Downer's message
16 began, "I want to be clear in my expectations of a chief counsel so that you can be successful.
17 It came to my attention that Ania calls you Ms. Vroom, as referenced in the email below.
18 When I called Ania yesterday to discuss the substance of the email, I told her that just like she
19 calls me Matt, to call you Pat. Ania says she doesn't feel comfortable calling you Pat. She
20 seemed very troubled and said she didn't want to talk about it. She did say she was the only
21 one required to call you Ms. Vroom."
22

23 119. Mr. Downer then drew wildly irrational and unfounded conclusions from his
24 observation that Ania, who had worked with Plaintiff for over 20 years, and whose manner of
25 addressing her managers was a reflection of her British upbringing, addressed Plaintiff by her

1 surname in the office: “This raises a concern about the type of environment you are fostering
2 in your office. I am sure there is a lengthy and complicated backstory. But, the bottom line is
3 that either you don’t treat her as a valued member of the team or she doesn’t feel valued.
4 Either way, I hold you accountable. Being addressed so formally is also wildly out of step
5 with other Chiefs and HQ. Peter, Riah, Jim and I go on a first name basis with the team and
6 we all have much more responsibility than you.”

8 120. As he had done so many times in the past, Mr. Downer then tied his strained
9 logic to the performance appraisal competencies: “This implicates the core competencies of
10 communication, teamwork and leadership. Please have your team refer to you by your first
11 name.” Again, as in the past, Mr. Downer then warned Plaintiff that if she did not cease the
12 misconduct he had accused her of, he would take action against her: “Although implicit, I
13 instruct you to treat all of your team in a pleasant demeanor and a professional way, including
14 Ania. If that is not done, I will, as I do with all the other chiefs, hold you accountable.” Mr.
15 Downer had no basis in fact to accuse Plaintiff of mistreating her employees.

17 121. Then Mr. Downer turned to Plaintiff’s email communications with Ms. Hartnett
18 about her deputies’ appraisals. He stated, “Also concerning is your email to Jim, Sarah and
19 me directed to Sarah about your DCC ratings. This was a rude and disrespectful email where
20 you assigned Sarah the task of going line by line on these reviews.” Mr. Downer knew
21 Plaintiff had written only to Ms. Hartnett. Mr. Downer knew Plaintiff’s email was not rude or
22 disrespectful. Mr. Downer knew Plaintiff’s email did not request that Ms. Hartnett go “line by
23 line” over the deputies’ appraisals. Mr. Downer then lectured Plaintiff: “To demand this
24 kind of attention indicates to me a self-centered arrogance and a failure to have a broad view
25

1 of the program and realization that you are one of 26 chiefs. Sarah is an experienced litigator
2 and manager, so she can handle rude language. However, if you are comfortable addressing
3 your leadership this way, this gives me great concern about the environment you promote in
4 your office. Again, ensure your communication with others is in a professional demeanor.
5 Please have an OPLA-wide vision.” Mr. Downer knew Plaintiff’s email was completely
6 professional in tone and content. Mr. Downer knew these admonishments were not justified
7 by Plaintiff’s email, either its content or its tone.
8

9 122. Mr. Downer then addressed Plaintiff’s telephone-answering skills:
10 “Additionally, I have noticed since you have reported to me that you do not identify yourself
11 when you answer the phone. As I call from a blocked number at headquarters, you don’t
12 know who is calling. When you answer the phone, either identify yourself or the
13 organization. This is a basic concept of professionalism and of the core competency of
14 communication. This also waters down the brand of Chief Counsel. I know ensuring that
15 Chief Counsel are respected has been a very important topic to you over the years in the form
16 of SES status. As you know, we can’t get there now with SES slots, so we need to earn
17 respect in other ways. I instruct you to answer the phone in a professional manner by
18 identifying yourself or the organization when you do not know who is calling. Every other
19 chief gets this right. I am surprised you do not.” Mr. Downer finished his lecture with the
20 following: “Taking these steps will help rehabilitate your standing with your team, your
21 colleagues, the client and headquarters and move you toward achieving excellence in this
22 rating period.”
23
24
25

1 123. Plaintiff responded to Mr. Downer's email on November 25, 2013, refuting all
2 of his allegations. She copied Ms. Ramlogan and Chief Labor and Employment Lawyer
3 Mina on her response. Plaintiff filed a retaliation complaint on December 2, 2013 as a result
4 of this incident.

5
6 **H. The 2012-2013 Appraisal Narrative Becomes Even More Negative**
7 **after Plaintiff Filed Her EEO Complaint**

8 124. On December 17, 2013, Ms. Hartnett agreed she would provide Plaintiff with a
9 detailed written justification for her rating for the 2012 – 2013 year.

10 125. On January 16, 2014, PLA Vincent announced he had selected Matt Downer as
11 his Chief of Staff, saying, "Once again, I have asked Matt to serve, at great personal sacrifice,
12 as OPLA's Chief of Staff, and I know that he will be incredibly effective in his role, as he has
13 been throughout his years with OPLA." Mr. Vincent selected Mr. Downer for Chief of Staff
14 without having announced the position, and without Mr. Downer having had to compete for
15 the position.

16
17 126. On February 14, 2014, Ms. Hartnett finally provided Plaintiff with an expanded
18 narrative to accompany the 2012 – 2013 performance appraisal. The new narrative was six
19 pages long. The new narrative was even more negative than the one-paragraph narrative
20 issued on November 15, 2013. Ms. Hartnett and Mr. Stolley failed to exercise due diligence
21 in their preparation of the new narrative.

22
23 127. For example, the new narrative criticized Plaintiff because Plaintiff had
24 "needlessly insert[ed] herself in [her clients'] operations" when several of her staff attorneys
25 requested to "be allowed to work on a Saturday so that they could be at the operational site

1 with the clients” in the service of 18 search and arrest warrants in the Danny’s Family Car
2 Wash worksite enforcement criminal investigation on August 18, 2013. Had Ms. Hartnett
3 and Mr. Stolley contacted the Phoenix SAC, they would have learned he had requested
4 Plaintiff’s full participation in the Danny’s Family Car Wash operation, and he was unhappy
5 when Plaintiff had to tell him that her supervisors had denied her request to participate on
6 site.
7

8 128. When Plaintiff explained to the Phoenix SAC on August 9, 2013 that her
9 supervisors had denied her request to participate on site in support of the Danny’s Family Car
10 Wash operation, he wrote to her, saying, “I’m very disappointed to hear about this decision.
11 For the past few years I thought we were trying to move in the direction of having OCC
12 attorneys serve as our ‘in-house prosecutors’ and I believe this decision sets us back on this
13 path. I also believe this decision is contrary to how the recent WSE [work site enforcement]
14 operation in LA was conducted. [The case agent] can correct me if I’m wrong, but I was told
15 that OCC Attorneys were on site to make charging and PD decisions regarding aliens who
16 were detained during that operation. The last thing we want to do is put someone into
17 proceedings and then have OCC change that decision days or weeks later. The decision in
18 this case seems to go against what was done in LA.”
19
20

21 129. On August 19, 2013, Mr. Stolley had sent Plaintiff a congratulatory email after
22 the operation, saying, “We hear it was a very smooth operation.” On August 19, 2013, Ms.
23 Hartnett had also sent Plaintiff a congratulatory email after the operation, saying, “Great job,
24 Team Phoenix!!” Ms. Hartnett and Mr. Stolley did not acknowledge in the narrative
25 discussion about the Danny’s Family Car Wash operation that Plaintiff, along with the SAC

1 and the FOD, had received a congratulatory email regarding the success of the operation and
2 the collaboration among the three Arizona ICE leaders from the ICE Deputy Director, Dan
3 Ragsdale.

4
5 130. Ms. Hartnett and Mr. Stolley took many other positive accomplishments of the
6 Plaintiff and distorted them so they could be used as the basis for negative comments and
7 criticism. Ms. Hartnett and Mr. Stolley again failed to make reference to the OGC Award of
8 Excellence, although Plaintiff had again asked them to reference it.

9
10 131. On March 6, 2014, Plaintiff asked a question on the Chief Counsel Conference
11 Call about the processing of juvenile cases, prompted by an instruction Ms. Hartnett had
12 given Plaintiff's Juvenile Coordinator at an ERO Conference the week before. Ms. Hartnett
13 furiously denied making the statement. Mr. Stolley mocked the Plaintiff, saying, "We have no
14 interest in putting little kids in proceedings!" After the conference call a male Chief Counsel
15 called Plaintiff to say how he had talked with another male Chief Counsel and they had both
16 thought Plaintiff's question had been totally legitimate and they could not believe how it had
17 been handled by Ms. Hartnett and Mr. Stolley. A female Chief told Plaintiff a few days later
18 that she had told her deputies afterwards, "If I do anything like that to anyone at a meeting,
19 please call me out on it." She went on to say to Plaintiff, "I thought it was handled horribly."
20
21 Two other female Chief Counsel told Plaintiff the same thing.

22
23 132. On March 13, 2014, Ms. Hartnett and Mr. Stolley formally re-issued Plaintiff's
24 performance appraisal with the expanded narrative, reaffirming the rating calculations from
25 November 15, 2013.

1 133. On March 19, 2014, Plaintiff met with ICE Deputy Director Dan Ragsdale (her
2 former Deputy Chief Counsel) in her office for an hour. Plaintiff told Mr. Ragsdale about the
3 mistreatment and abuse she had been subjected to by Mr. Vincent, Ms. Ramlogan, Mr.
4 Stolley, Mr. Downer, and Ms. Hartnett. Mr. Ragsdale told Plaintiff her case “cried out for
5 mediation.” Mr. Ragsdale promised he would get “all of the right people together” for the
6 mediation, and there had been enough “scorched earth.” Mr. Ragsdale urged Plaintiff to
7 mediate with Ms. Ramlogan, but Plaintiff told Mr. Ragsdale that she did not believe anyone
8 within OPLA could serve objectively as “management official” in the mediation because all
9 of the senior people, from Mr. Vincent on down, were too close to the situation. Mr.
10 Ragsdale and Ms. Ramlogan are very close friends, often carpooling to work together. Mr.
11 Ragsdale and Ms. Ramlogan often go out together for “Happy Hour.” Ms. Ramlogan has
12 stayed at Mr. Ragsdale’s mother’s home when she has visited in Phoenix. Despite Plaintiff’s
13 clear rejection of Ms. Ramlogan, Mr. Ragsdale arranged for Ms. Ramlogan to serve as the
14 management official. Plaintiff declined to mediate with Ms. Ramlogan. Eventually, Plaintiff
15 was provided a management official outside of OPLA, but Ms. Ramlogan was in control of
16 the agency’s settlement negotiations, nevertheless.

17
18
19
20 **I. Plaintiff Files Her Formal EEO Complaint on April 4, 2014**

21 134. On April 4, 2014, Plaintiff filed her formal EEO Complaint. On April 28, 2014,
22 Peter Vincent formally announced that Ms. Hartnett had been selected as Chief Counsel in
23 Houston, to replace Ms. Gray. On May 20, 2014, Peter Vincent formally announced that Mr.
24 Stolley had been selected as Chief Counsel of the St. Paul Office of the Chief Counsel,
25 saying, “As the FLO Director, Jim made tremendous contributions not only to OPLA, but to

1 the entire agency ... While it will be a loss for the Headquarters leadership, Jim has
2 relinquished his SES position and is now able to fulfill his desire to return to the field.”

3 135. On June 3, 2014, a 3-hour “Town Hall” for OPLA Chief Counsel was held in
4 Dallas, with DHS General Counsel Stevan Bunnell in attendance. Mr. Bunnell listened during
5 the Town Hall to impassioned comments from many Chief Counsel, including Plaintiff, about
6 the toxic environment in OPLA. The next day, June 4, 2014, PLA Vincent gave an angry
7 speech in Dallas to a meeting of the OPLA Chiefs, both field Chief Counsel and HQ Chiefs.
8 Mr. Vincent said “Matt Downer is doing a brilliant job as my Chief of Staff, just like he did a
9 brilliant job as Deputy Director of FLO, Sarah, too.” Mr. Vincent went on to announce, “I
10 demand you have hard conversations with your staff. We will not have mediocrity! I talked
11 with Jim, Matt, and Sarah when they entered on duty and told them I wanted them to create a
12 professional organization. I told them that they were not to accept mediocrity, and to hold
13 people accountable. They succeeded. We expect that now. I have made it very clear to [the
14 new Deputy FLO Directors] that we will continue to hold people accountable.” Mr. Vincent
15 then turned his attention to Mr. Stolley and said, “There is a pernicious rumor going around.
16 Jim Stolley was NOT moved out of his position. He wanted to run an office. If it were up to
17 me and Riah he would be at HQ forever. He did an incredible job.”

18 136. Mr. Vincent then read an email that he said Mr. Stolley had received from a
19 friend: “You have had the unenviable task of being the implementer of something that was
20 very unpopular... You made it through, and for those who don’t understand, that says more
21 about them than it does about you.” Mr. Vincent concluded with these words: “Jim’s shoes
22 will be incredibly hard to fill.”
23
24
25

1 137. On June 6, 2014, DPLA Ramlogan gave a speech to the field and HQ Chiefs in
2 Dallas. She said Mr. Stolley, Mr. Downer, and Ms. Hartnett had done an “amazing” job of
3 running FLO and “bringing everyone in line.”

4 138. On August 14, 2014, PLA Vincent formally announced that Mr. Stolley, despite
5 having moved to Minnesota, would continue to have many of his FLO Director
6 responsibilities during the “FLO Transition.” The FLO Transition was undefined. Mr.
7 Vincent’s formal announcement explained that besides being Chief Counsel in St. Paul, Mr.
8 Stolley would now be called “Special Advisor to the Deputy Principal Legal Advisor.” Mr.
9 Vincent announced Mr. Stolley would remain supervisor of the three SES Chief Counsel and
10 would be in charge of training for the remainder of the year.

11 139. Contrary to the earlier announcement, Mr. Stolley has remained a member of
12 the SES. The position of Director of Field Legal Operations has not been announced as an
13 open position. In his new capacity overseeing OPLA training, Mr. Stolley gave several
14 presentations at the OPLA Experienced Attorney Training – 9th Circuit in Los Angeles the
15 week of September 15, 2014.

16 140. On September 17, 2014, Mr. Stolley told a group of experienced OPLA
17 attorneys at the training that they should favorably exercise prosecutorial discretion in some
18 cases involving low-level criminal aliens, including those who had “old” DUI convictions, if
19 they had enough equities. When some of the experienced OPLA attorneys challenged Mr.
20 Stolley about one particular case involving an alien with a criminal record, Mr. Stolley said
21 “We don’t give a shit about that. Let it go.”
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FIRST CLAIM FOR RELIEF

143. Plaintiff realleges the allegations of Paragraph 1-142 as if fully set forth herein.

145. Defendant willfully and intentionally discriminated against Plaintiff, as alleged hereinabove, on the basis of reprisals for her complaints about, and opposition to, Defendant's discrimination against Plaintiff on the basis of her sex and age, and Defendant's

1 failure to enforce discrimination and harassment policies by creating a hostile work
2 environment.

3 146. Defendant has also maintained a pattern and practice of retaliation
4 discrimination and, by the use of facially neutral employment practices and on other
5 occasions, by the use of excessively subjective standards for selection of those to be
6 promoted, demoted, discharged or disciplined, caused adverse and discriminatory impact
7 upon older employees, including Plaintiff.
8

9 147. Plaintiff is damaged by Defendant's violations of Title VII and the ADEA and
10 has sustained mental and emotional distress, damage to her reputation and such other
11 damages as proven at trial.
12

13 **SECOND CLAIM FOR RELIEF**

14 **(Age Discrimination in Violation of the ADEA)**

15 148. Plaintiff realleges the allegations of Paragraphs 1-147 as of fully set forth
16 herein.
17

18 149. The acts, policies and practices of Defendant as alleged herein above, violate
19 the ADEA's age discrimination provisions.

20 150. In subjecting Plaintiff to different and discriminatory treatment in the terms
21 and conditions of her employment different from that of younger employees, Defendant
22 willfully and intentionally discriminated against Plaintiff on the basis of age.

23 151. Defendant has also maintained a pattern and practice of age discrimination and,
24 by the use of facially neutral employment practices and on other occasions, by the use of
25 excessively subjective standards for selection of those to be promoted, demoted, discharged

1 or disciplined, caused adverse and discriminatory impact upon older employees, including
2 Plaintiff.

3 152. Plaintiff has been damaged by Defendant's violation of the ADEA as
4 hereinabove alleged or as proven at trial.
5

6 **THIRD CLAIM FOR RELIEF**

7 **(Sex Discrimination in Violation of Title VII)**

8 153. Plaintiff realleges the allegations of Paragraph 1-152 as if fully set forth herein.

9 154. The acts, policies and practices of Defendants, as alleged herein above, violate
10 Title VII of the Civil Rights Act of 1964, as amended and created a hostile work environment
11 for Plaintiff.
12

13 155. Defendant willfully and intentionally discriminated against Plaintiff, as alleged
14 hereinabove, on the basis of her sex, created a hostile work environment for Plaintiff and
15 failed to enforce discrimination and harassment policies.

16 156. Defendant has also maintained a pattern and practice of sex discrimination and,
17 by the use of facially neutral employment practices and on other occasions, by the use of
18 excessively subjective standards for selection of those to be promoted, demoted, discharged
19 or disciplined, caused adverse and discriminatory impact upon female employees, including
20 Plaintiff.
21

22 157. Plaintiff is damaged by Defendant's violations of Title VII including having
23 suffered mental and emotional distress and damage to her reputation and such other damages
24 as proven at trial.
25

1 **WHEREFORE**, Plaintiff demands judgment against Defendant as follows:

2 1. This court declare the actions complained of herein to be in violation of Title
3 VII of the Civil Rights Act, as amended and the Age Discrimination in Employment Act;

4 2. Defendant be ordered to take appropriate affirmative acts to insure that the
5 actions complained of herein are not engaged in again by defendant or any of its agents;

6 3. Defendant, including the officers, director, agents, employees and successors,
7 be permanently enjoined from discriminating or retaliating against any person;

8 4. Actual damages be awarded to plaintiff and against defendant;

9 5. Compensatory damages be awarded to plaintiff and against defendant;

10 6. Plaintiff be awarded her attorneys' fees pursuant to 42 U.S.C. §1988 and the
11 Age Discrimination in Employment Act;

12 7. Plaintiff be awarded her costs; and

13 8. Plaintiff be awarded all other relief that this Court deems just and proper under
14 the circumstances.

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16
17 **DEMAND FOR JURY TRIAL**

18 Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff hereby demands
19 a jury trial.

20
21 DATED this 6th day of November, 2014.

22 SCHLEIER LAW OFFICES, P.C.

23 /s/ Tod F. Schleier

24 Tod F. Schleier

25 Attorney for Plaintiff